

REPORT OF THE PHARMACY PRACTICES COMMITTEE HEARING HELD ON FRIDAY 19TH NOVEMBER 2021 AT 09.30 AM VIA MICROSOFT TEAMS

Present:

Appointed by NHS Fife

Mrs Christina Cooper (Chair)
Ms Sandra Auld, Lay Member
Mr Andrew Jack, Lay Member

Nominated by Fife Area Pharmaceutical Committee

Mr Benjamin Hannan, Non-Contractor Pharmacist nominated by the APC
Mr Raymond Kelly, Contractor Pharmacist nominated by the APC

In Attendance:

Mrs Joyce Kelly, Primary Care Manager, Primary and Preventative Care, FHSCP
Mrs Karen Brewster, Note Taker
Miss Dianne Watson, Note Taker

INTRODUCTION/BACKGROUND

APPLICATION FOR INCLUSION IN NHS FIFE'S PHARMACEUTICAL LIST

The hearing was called to consider an application submitted by Mr Umar Razzaq to provide general Pharmaceutical Services from premises situated within Windygates General Store, Milton Road, Windygates, Fife, KY8 5DF.

Under Regulation 5(10) of the NHS (Pharmaceutical Services) (Scotland) Regulations 2009, as amended ("The Regulations") the Pharmacy Practices Committee (PPC) were required to determine whether the granting of the application was necessary or desirable to secure the adequate provision of Pharmaceutical Services in the neighbourhood in which the Applicant's proposed premises were located.

- a) The Regulations require that the Committee shall have regard to:-
- the Pharmaceutical Services already provided in the neighbourhood of the premises named in the application by persons whose names are included in NHS Fife's Pharmaceutical List;
 - any representations received by the Board under paragraph 1 of the aforementioned Regulations;

- any information available to the Committee which, in its opinion, is relevant to the consideration of the application;
 - the Consultation Analysis Report submitted in accordance with regulation 5A;
 - the Pharmaceutical Care Services Report; and
 - the likely long term sustainability of the Pharmaceutical Services to be provided by the Applicant.
- b) It was noted that copies of the following had been supplied to the members of the Committee, the Applicant and those who submitted a representation and had accepted the invitation to attend the hearing.
- Application Form A (1), Floor Plan, Confirmation of Property Lease, Letter from the Chairman of the local Community Council, Letter from the Wok Inn Chinese Restaurant, Letter from Dr S Mullan, Kennoway Medical Group and an email from Mr K Mackenzie, NHS Fife's Addiction Service
 - Representations received from:
 - NHS Fife's Area Pharmaceutical Committee
 - Boots Pharmacy Head Office
 - F&F Coffey Ltd, Wemyss Pharmacy
 - Leven Pharmacy
 - Lloyds Pharmacy Head Office
 - Omnicare Pharmacy Head Office
 - TW Buchannan (Chemists) Ltd
 - Well Pharmacy Head Office
 - Councillor David Alexander, Community Representative
 - NHS Fife's Director of Pharmacy
 - Consultation Analysis Report (CAR)
 - A map of the area indicating the location of the proposed Pharmacy, existing Pharmacies and GP Surgeries
 - An extract from Fife Council's adopted Fife Plan
 - The monthly average number of prescriptions dispensed by Pharmacy Contractors in Buckhaven, East Wemyss, Kennoway, Leven, Lundin Links, Markinch and Methil.
- c) The Chair determined that the hearing should take the form of an oral hearing and the Applicant and those who submitted a representation were given the opportunity to attend the hearing. Those who accepted the invitation are listed below:-
- i. Mr Umar Razzaq, Applicant
 - ii. Cllr David Alexander, Community Representative
 - iii. Mr Tom Arnott, Representing Lloyds Pharmacy Ltd (assisted by Mrs Suzanne Small)
 - iv. Mr Christopher Freeland, Representing Omnicare Pharmacy

- v. Mr Scott Jamieson, Representing Boots UK Ltd
 - vi. Mr Brian Timlin, Representing Leven Pharmacy (assisted by Mr Naseem Sadiq)
- d) The Committee noted that written notification of the application from Mr Umar Razzaq was issued to the under-noted within 10 working days of the application being received in accordance with paragraph 1 of schedule 3 of the Regulations:-
- i. NHS Fife's Area Pharmaceutical Committee
 - ii. NHS Fife's GP Sub Committee
 - iii. Pharmacies in Buckhaven, East Wemyss, Kennoway, Leven, Lundin Links, Markinch and Methil
 - iv. Local Community Council

It was also noted that the Application had been provided to NHS Fife's Director of Pharmacy.

- e) The Committee noted that written representations were received from the under noted within the required 30 days of written notice being sent to them:-
- i. NHS Fife's Area Pharmaceutical Committee
 - ii. F&F Coffey Ltd, Wemyss Pharmacy
 - iii. Leven Pharmacy
 - iv. The Head Offices of Boots Pharmacy, Lloyds Pharmacy, Omnicare Pharmacy, TW Buchanan and Well Pharmacy
 - v. Cllr David Alexander, Local Community Council
 - vi. NHS Fife's Director of Pharmacy

No.

01/21 CHAIR'S WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the hearing, and round the table introductions were made.

02/21 DECLARATION OF MEMBERS INTERESTS

Prior to the commencement of the hearing, the Chair asked the members whether any of them had an interest to declare or were associated with a person who has any personal interest. The Chair then asked the Applicant and interested parties whether any person assisting them at the hearing was appearing in the capacity of Counsel, Solicitor or paid Advocate.

The Chair asked those present if they had any objections to the meeting being recorded for the purpose of the Minutes. All those present agreed they had no objections to the meeting being recorded.

There were no other declarations of interest, nor were any persons making representation attending in the capacity of Counsel, Solicitor or paid Advocate.

The Chair asked those present if anyone objected to the two letters which were submitted after the closing date for documentation to be submitted. It was agreed these letters would be considered and discussed during the deliberation.

03/21

FORMAT OF HEARING

The Chair briefed those in attendance of the intended format of the hearing.

The Chair advised that the Applicant would be asked to make his submissions, followed by questions from the interested parties, then from members of the Committee.

The interested parties would then be asked, in turn, to make their submission, followed by questions from the Applicant, the other interested parties and then the Committee.

The interested parties would then be given the opportunity to sum up, followed by the Applicant.

04/21

APPLICANT'S ORAL SUBMISSION

Mr Razzaq thanked everyone for attending to discuss and consider his application to open a new Pharmacy from premises situated within Windygates General Store, Milton Road, Windygates, Fife, KY8 5DF.

Mr Razzaq spoke to his presentation. A copy of which is attached (Appendix 1)

05/21

INTERESTED PARTIES QUESTION THE APPLICANT

05/21.1 Councillor Alexander had no question for the Applicant.

05/21.2 Mr Arnott (Mr A) questioned the Applicant (Mr R)

Mr A stated that he had visited the Post Office on 2nd November and got the impression that the staff knew nothing about moving to other premises along the road.

He asked Mr Razzaq (Mr R) if he knew that the staff had no idea they would be moving.

Mr R was not sure why the staff did not know but they are definitely moving to premises along the road.

Mr A asked Mr R how his plan would fit the size of the premises.

Mr R responded that the premises are deceiving, they are 600 square feet which will be adequate. He had operated a smaller pharmacy with a similar size and it worked well.

Mr A asked Mr R if he was aware that the rough cost of a pharmacy was around £105k, excluding staff costs.

Mr R was well aware of the costs as he currently operates a pharmacy which is open 7 days per week.

Mr A asked Mr R if he thought a population of 1,860 would generate enough business to survive.

Mr R thought it was viable. He confirmed that he already runs a pharmacy which is open on a Sunday so he has taken the costs into account.

As the proposed pharmacy will be open 59 hours per week, Mr A asked Mr R if he would employ a Pharmacist.

Mr R confirmed he has a plan in place which includes a full time Pharmacist and a relief Pharmacist.

Mr A asked Mr R if he was aware of the issue just now in Scotland that there is a lack of Pharmacists.

Mr R confirmed he did but added that there seems to be an issue for some pharmacies and not others. He had heard of stores having to close temporarily due to the lack of a Pharmacist but none of his stores have had to close and this was not part of the Legal Test.

Mr A asked if the Pharmacist would cover 59 hours per week.

Mr R confirmed he would also employ a relief Pharmacist and locums.

Mr A asked why the previous pharmacy closed in Windygates.

Mr R had no idea as that was in the 1970s when pharmacy was different.

Mr A said that Mr R had stated that the deprivation figures were 2,000. Mr A said he had the Scottish Index of Multi Deprivation figures in front of him and he made it 1,860.

Mr R responded that he took the figures from the Know Fife Data Set, which is a recent Fife study.

Mr A referred to the health data zones Mr R had referred to. Mr A's view was that this did not suggest it is an unhealthy population or that they have difficulty accessing services, and asked Mr R if he disagreed with the demographics.

Mr R responded that Windygates is a mixed population which is deprived where their data zone is in the top 30% of difficulty in accessing services. This relates to comments in the Consultation Analysis Report (CAR) so the important thing is, residents have difficulty in accessing Pharmaceutical Services.

Mr A asked Mr R how many businesses or pharmacies would survive if they lost up to 30% of their current level.

Mr R was not sure as it would depend on what their current level is.

Mr A stated that the reason for his attendance at the hearing was because Lloyds in Kennoway may lose up to 30% of their business which would put them in a difficult situation.

Mr R said he could not comment on that.

Mr A asked Mr R if he was saying NRT only works if a pharmacy is open 7 days per week.

Mr R clarified that he did not say that and that he had said there would be easier access if the pharmacy was open seven days per week as opposed to six days.

Mr A asked Mr R if he remembered the Essential Small Pharmacies Scheme.

Mr R confirmed that he did.

Mr A asked if Windygates would have qualified.

Mr R confessed he did not know much about it.

Mr A stated that it would not have qualified due to the fact there are so many pharmacies within two miles and asked Mr R how often he thought a person needed to access a Pharmacy within a year.

Mr R felt that it would depend on why they were accessing the pharmacy. He thought they were accessing it a lot more these days due to the extra services but was not sure.

Mr A referred to Mr R mentioning the cost of buses. He asked if Mr R agreed that this would be alleviated once the SNP get their new ruling in place, which is, all under 22 year olds travel free, and all over 60 year olds already travel free.

Mr R could only go by the costs at this moment in time. He was not sure what may or may not happen in the future.

Mr A said Mr R mentioned the poor bus service and asked what the Councillor and the people of Windygates had done to improve the service. Could it be a poor service because no one uses it?

Mr R was not sure and thought Councillor Alexander may be able to answer the question. He noted there were numerous complaints regarding the bus service in the CAR.

Referring to the developments Mr R mentioned, Mr A pointed out that most of them are not in Mr R's definition of the neighbourhood so asked why he mentioned them.

Mr R confirmed he mentioned them as they may have an impact on the surrounding areas and the contractors.

Mr A asked Mr R how many houses he thought had been built in Windygates in the last three years.

Mr R was not sure.

Mr A confirmed not many, and asked Mr R if he agreed his extended opening hours were not part of the contract and can be withdrawn at any time.

Mr R agreed they could, but this was not something he planned on doing.

Mr A noted that Mr R had mentioned that some people had to travel to Kirkcaldy to access pharmacy services, but there are two pharmacies in Glenrothes that are open on Sundays, which is closer. He asked Mr R if he agreed.

Mr R confirmed he got this impression from people he had spoken to in Windygates and from comments in the CAR and although Glenrothes is nearer it is still a fair distance away.

Mr A asked Mr R what had changed with Sunday opening hours from 2014 that he mentioned.

Mr R replied that pharmacy had changed a lot as previously they clustered around out of hours centres, but he knew, having opened pharmacies which are nowhere near out of hours centres, the benefits of Sunday opening.

Mr A asked Mr R if he would then disagree with the Fife Pharmaceutical Services Care Plan (FPSCP) 2019/20. He quoted "as regards Sunday opening, there would appear to be no under provision, in terms of opening hours for NHS Fife, e.g. the number of Pharmacies open seven days a week has now increased from eight to nine".

Mr R replied that the FPSCP is only seen as a guide, so he was neither agreeing or disagreeing with it, only that he knew the benefits of a Sunday opening pharmacy.

Mr A asked Mr R if he agreed that the Panel have to take note of the FPSCP in reaching their decision.

Mr R agreed that they need to have regard to it.

Mr A asked Mr R if he agreed that the email which was sent from Katryn Innes, Addiction Services, was sent in May 2019, more than two years ago?

Mr R agreed but said that the NAP had stated that this application needed to be considered with the previously existing evidence and the existing CAR. He added that the letter has been followed up by a recent letter from one of her colleagues as she is no longer working in Addiction Services.

Mr A said he did not agree with the content of the letter. He thought he may need to speak to Lloyds Pharmacy in Kennoway. He then asked Mr R what was the response rate to the CAR regarding his pharmacy in Fenwick.

Mr R advised that he could not remember.

Mr A confirmed it was 17%, which is four times higher than the response Mr R received for Windygates.

Mr R clarified that the point he made was not to the response rate of the CAR, it was to the population which is almost half of the amount that Windygates has now.

Mr A asked if Mr R was aware that Fenwick is currently leafleting within a five mile radius of its pharmacy to try and survive

Mr R confirmed he was unaware of this.

Mr A asked how often the pharmacy in Kennoway had been unable to open.

Mr R was not sure but could only go by what the local people said, the CAR and what the Addictions Team have said.

Mr A asked Mr R if it would surprise him that in the last year and a half there had been six closures, three of which were part closures.

Mr R was not sure, so said it would not surprise him.

Mr A asked Mr R if he would agree that Lloyds in Kennoway had the second highest number of CMS or Medication Case Review scripts in the whole of Fife.

Mr R had not seen that information.

Mr A confirmed that this was true, so he did not understand where Dr Mullan was coming from. He asked Mr R if he was aware that Kennoway Medical Practice, had been running short of GPs for the last five years and were probably trying to use pharmacies for some of their shortfall.

Mr R replied that there has been wide coverage about the shortage of GPs so he would not be surprised.

05/21.3 Mr Freeland (Mr F) questioned the Applicant (Mr R)

Mr F asked, in relation to the size of the Pharmacy, where would staff have their break?

Mr R replied that there is a staff area, albeit small, but it has a pull out table with a chair, which he has used in a similar pharmacy and it works well.

Mr F asked how many staff would he envisage having in the pharmacy.

Mr R confirmed, to start off with, one full time and two part time staff, one covering the dispensary and one covering the front desk

Mr F noted Mr R had mentioned Addiction Services patients accessing Pharmaceutical Services and asked where he would envisage supervising methadone patients.

Mr R replied, after referring to the plans, that there were two options, one at the right hand side, where there is a private area, which can be made more private, or the Consultation Room. This was a first draft of the plans which he thought would be improved.

Mr F asked if Mr R had any confirmation of the Post Office moving to the convenience store.

Mr R confirmed he had legal confirmation which is not to hand, but which he needed before starting this whole process.

Mr F asked if Mr R thought a Post Office would survive in Windygates.

Mr R said he did as it was surviving at the moment.

Mr F stated that the closest Pharmacy was in Kennoway and asked Mr R if there was a footpath to Kennoway.

Mr R replied that the only route was up the steep hill, where there are cars parked sometimes on both sides so it is not easy and not adequate.

Mr F asked if there was a bus every hour to Kennoway

Mr R confirmed that there was.

Mr F said that he had looked on Google and there was a bus to Methil every hour, where his pharmacy was but noted that Mr R had mentioned a break in service when there is no bus.

Mr R confirmed he had telephoned Travel Line Scotland and Stagecoach who confirmed there was a bus every hour from 8.44am until 1.44pm then there was a three hour break until the next one at 4.55pm.

Mr F asked how Mr R envisaged the Manager working over seven days per week.

Mr R replied that the Pharmacist would probably work five days, and he would have a relief Pharmacist who would work one day and cover holidays, and a locum who would cover Sundays.

Mr F asked Mr R if he was aware of the increased locum costs at the moment.

Mr R confirmed he did as he already operates pharmacies which open on Sundays so it had all been taken into consideration.

Mr F stated he was just questioning the viability of the pharmacy in the area with the size of the population and if Mr R thought it was financially viable.

Mr R responded that he thought it was viable because there are pharmacies open with half the population of Windyates, so had no doubt it would be viable.

Mr F asked Mr R if he agreed these contracts could have been granted because of the low deprivation area they are in.

Mr R responded that some are not, and if you have been to Fenwick it is not very deprived.

Mr F asked if Mr R would expect people from outside Windyates to use his pharmacy.

Mr R was not sure.

Mr F referred to the letter from Katryn Inness, about patients unable to access services. 22 patients within the Kennoway and Windyates area are having to travel to Leven to access the service, and asked Mr R, of these 22, how many he thought realistically would be living in Windyates.

Mr R said that he did not know and would not guess.

As for the opening hours, Mr F asked Mr R if he realised he would not be obliged to open seven days, he only needed to open Monday to Friday and a half day on a Saturday morning.

Mr R agreed and noted that that is what the majority in the Levenmouth area do at the moment but not something that he was planning on doing.

05/21.4 Mr Jamieson (Mr J) questioned the Applicant (Mr R)

Mr J noted that the pharmacy had to serve the population of Windygates, and asked Mr R if that was correct.

Mr R confirmed it was correct.

Mr J asked Mr R if he could clarify how many prescriptions and patients he would see on a weekly or monthly basis for the Pharmacy to be viable.

Mr R felt it was difficult to say, but he thought he would need to process around 2,500 items or even 2,000 items to be viable but it was difficult to say. He had worked this into his business plan.

Mr J asked him if he thought he would get a volume of even 2,000 items.

Mr R believed he would and thought a pharmacy in Windygates would be viable.

Mr J asked him if he had any plans currently to go outwith the Windygates area.

Mr R confirmed he did not.

Mr J asked Mr R if he had Pharmacists to cover 59 hours.

Mr R confirmed he did.

Mr J asked Mr R if he planned to recruit locally.

Mr R agreed that he planned to recruit as locally as possible.

Mr J asked if it was correct that the Post Office is currently hosted within a convenience store.

Mr R answered no, it is only operating as a Post Office, not a convenience store.

05/21.5 Mr Timlin (Mr T) questioned the Applicant (Mr R)

Mr T asked Mr R if he accepted that the letter from Katryn Inness is from two years ago and was out of date therefore may not be relevant.

Mr R disagreed as there was a follow up letter from Kevin MacKenzie, with no disagreement to the original letter from Katryn so he thought it was still relevant.

Mr T noted that Kevin MacKenzie did not mention numbers so was it fair to say those numbers may be irrelevant with current reality?

Mr R felt it was difficult to say but this was a follow up from Katryn's email with no disagreement to what she had said. The evidence included with the original application was still valid as stated by the NAP.

Mr T accepted that the NAP stated that for the CAR but not the letter.

Mr R said he disagreed and thought it was all the previous evidence that had to be considered not only the CAR.

Mr T asked what area is KY8 5?

Mr R replied that he was KY8 5DF so he imagined it was Windygates.

Mr T stated that KY8 5 is Kennoway, Windygates, Balcurvie, part of Leven and Denhead.

He referred to the letter from Katryn Innes, Addiction Services which said that the number of patients who accessed Pharmaceutical Services in the Kennoway and Windygates area was 53.

And asked if it was correct that Mr R did not know how many of the 22 patients referred to were from Windygates.

Mr R said that was correct, he did not know how many.

Mr T asked Mr R if he knew how many of them were collection of Supervised Methadone or were vulnerable or unstable and live in Windygates.

Mr R did not know but said the point was, there were patients who were having difficulty in accessing services and therefore having to travel outwith Windygates.

Mr T explained that he was trying to determine what the actual need for a Pharmacy in Windygates was.

Mr R replied that the need is that people were having to travel outwith the village to access these services, some of which have poor mobility which made it even more difficult.

Mr T said the letter states that this was causing problems with concordance as these patients were frequently missing days of their Opiate Substitute Therapy and asked Mr R how that compared with the rest of Scotland.

Mr R was not sure but thought that having a local, easily accessible pharmacy would help.

Mr T asked if these issues would be the case across all pharmacies.

Mr R was not sure, but noted that certain pharmacies may have these issues but his point was having a local, easily accessible pharmacy would definitely help the situation.

Mr T asked Mr R where he got his population figures of over 2,000 from.

Mr R confirmed it was from The Know Fife Data Set, which is a Fife Council Data Set from 2002. He noted there had been houses built since then. The population had gone from 1,860 to 2,000 so the current population was just over 2,000.

Mr T stated that looking at the NHS Pharmacy Plan for 2019 the population is 1,790.

Mr R did not think that was correct as it had never been as low as that.

Mr T asked Mr R how this business could be viable with the current population.

Mr R replied that he had a Business Plan in place and already operated a seven day pharmacy so knew the benefits, which he had taken into account.

Mr T asked how many from your neighbourhood in Windygates will need access to a Pharmacy on a Sunday.

Mr R felt it was difficult to say. He thought there would be a fair amount, although the amount of people accessing a pharmacy on a Saturday and a Sunday was lower. The point was that people would not have to travel elsewhere they would have easier access to a pharmacy on a Sunday.

Mr T asked if Mr R accepted that all other pharmacies were providing core contracted hours to deliver an NHS contract.

Mr R agreed but noted that people still required a pharmacy on a Saturday afternoon and as he had mentioned, there were only two pharmacies in the Levenmouth area, which were not easy to access from Windygates, that were open on a Saturday afternoon.

Mr T asked if Mr R accepted that he could write to the Health Board and change his core hours.

Mr R believed this was the case but not something he was planning on doing.

Mr T noted that, two of Mr R's latest contracts which he had been awarded, on his Facebook page promoted a "no questions asked delivery service", which applied to, not just the neighbourhood, but all the surrounding areas. He asked Mr R why he was saying he had no plans to do that with this contract.

Mr R replied that not every area is the same, in the Borders for instance it was a very rural area so he did have to deliver to outlying areas as there was a need for that. This was not the case with Windygates.

Mr T asked how many Windygates residents were registered at Kennoway Medical Practice.

Mr R was unsure.

Mr T asked how many were registered elsewhere.

Mr R was again unsure but he knew some people were unable to register at some of the surgeries.

Mr T asked what the total population of Kennoway and Windygates was.

Mr R was not sure but thought roughly six or seven thousand.

Mr T continued. If only 3,500 residents in Windygates are registered at the Kennoway Medical Practice would this not suggest that the other 3,000 are happy to travel outwith

the Windygates area and use the services in the wider neighbourhood. He asked Mr R if he agreed.

Mr R was unwilling to comment as he had not seen these figures. He did not know the current number of people registered with Kennoway Medical Practice.

Re car ownership, Mr T found this to be 85% not 80% as stated in Mr R's presentation. He asked Mr R if he agreed that people travel outwith the neighbourhood to access services.

Mr R did agree and noted that some people who had access to a car would travel, but some households only owned one car so therefore may not have access to a car through the day.

Mr T asked where the nearest bank was.

Mr R thought it was in Leven.

Mr T asked where the nearest Supermarket was.

Mr R said the nearest was Aldi in Castlefleurie, Leven.

Mr T asked what evidence Mr R had that he had secured the unit.

Mr R confirmed that he had submitted a letter along with his application.

Mr T confirmed he had looked at the letter but as Mr R had blocked out the name and the signature all he had was something he could have created himself. Mr T suggested it was not a legal document.

Mr R said he could assure Mr T that he had a legal agreement. The letter he submitted was all that was needed as part of the Application.

Looking at the buses, Mr T noted that the nearest pharmacy was seven minutes away so someone could do a round trip in less than an hour. He asked Mr R if he felt this was inadequate.

Mr R felt an hourly bus service was inadequate.

Mr T referred to Question 10 of the CAR, "do you support this application". Mr T noted that more people had answered "no", a new pharmacy is not required, rather than lack of services or transport, and asked Mr R if this seemed strange.

Mr R responded that when you look at the CAR as a whole, the transport issue was a problem.

Mr T referred to Question 6 of the CAR where it asked about the benefit of a pharmacy to help with NHS services, and asked Mr R if he would accept that the answers are not about inadequacy. The questions are asking about helping NHS services.

Mr R agreed but reiterated that the Committee still needed to have regards to the CAR overall.

Mr T confirmed he was not disputing that, but said that a lot of the questions were not about inadequacy. He said it was interesting that nine people were saying there were enough pharmacies already, not that the current service was inadequate. It was more about relieving pressure on GPs and pharmacies.

Mr R responded that nine is a small number and with any new pharmacy application not everyone was going to support it.

Mr T asked Mr R if he would also accept that the response to the CAR was a small number.

Mr R disagreed as every CAR was different. The content of the CAR was a lot more important than the number of comments.

Mr T asked Mr R if he would accept that the same number of responses to question 6 that the pharmacies were adequate, was the same percentage of the number of people who responded to the CAR?

Mr R agreed that it was about the same number of responses but did not think it was a good comparison.

The Chair confirmed to Mr Timlin, that the weight and the reasons behind the letter from Addiction Services would be discussed during the deliberations.

06/21

COMMITTEE MEMBERS QUESTION THE APPLICANT

06/21.1 Ms Auld (Ms A) questioned the Applicant (Mr R)

Ms A asked how many hours out of the 59 that the pharmacy would be open, was Mr R anticipating that a Pharmacist would be present.

Mr R confirmed that any one pharmacist would not cover more than five days per week. There would be a relief Pharmacist, who would cover one day a week and probably a regular Locum Pharmacist to cover a Sunday.

Ms A was confused about question nine and some of the comments around the proposed opening hours. She could not find some of the quotes that Mr R had referred to in the documentation she had and asked where she could find these.

Mr R replied that when he was given the CAR he was given a copy of all responses. He suggested she may need to check with Mrs Kelly that the Committee had been given access to all responses as he was told that they would.

The Chair confirmed that Mrs Kelly would find out if the Committee was given a copy of all responses from the CAR during the break.

06/21.2 Mr Hannan (Mr H) questioned the Applicant (Mr R)

Mr H asked Mr R if he was planning on collecting prescriptions from outside the neighbourhood he proposed.

Mr R confirmed he would if there was a need for the service.

Mr H asked how he would determine that need.

Mr R said that if he got a request to pick up prescriptions at a certain surgery he would look at this.

Mr H asked Mr R to elaborate on what he meant by his reference to his perceived failing of the APC.

Mr R replied that his point was that there was a lot of reference to other things but not much weight invested in the CAR, which was a legal requirement of this process.

Mr H asked Mr R if he could clarify that he felt that the CAR was a legal requirement and that it was not given weight by the APC as suggested in his presentation.

Mr R said he would agree.

Mr H asked Mr R to explain how he would maintain seven day services and how that would work.

Mr R clarified that he had a Business Plan already in place as he currently ran a seven day pharmacy. He stated that not many pharmacies are open on Sundays and there a lot of people who are willing to work, so there are a lot of Pharmacists available. He advised that he would need to work this into his Business Continuity Plan. He confirmed that he had a relief Pharmacist and an Area Manager who both worked in Edinburgh, which is not far from Windygates so he could work that into the plan.

Mr H asked what Mr R what was currently in his plan for a Sunday in his other branches.

Mr R agreed he could use that as a template. His current Sunday opening pharmacy was in Hawick, which was a very different demographic area to Windygates but he could use that as a Continuity Plan for a seven day opening pharmacy.

In terms of service retraction, and ensuring continuity of service, Mr H asked Mr R how that featured in his current continuity plans, and apart from touching on locums was there anything else he could add.

Mr R replied, no and that he would definitely be concentrating on his Business Continuity Plan before he opened, as this was important.

06/21.3 Mr Jack questioned the Applicant (Mr R)

Mr Jack asked if Mr R intended to offer any unique services that are not offered already?

Mr R responded that all pharmacies were offering core services but his point was the difficulty in accessing services.

06/21.4 Mr Kelly (Mr K) questioned the Applicant (Mr R)

From his Application Mr R said that this was not a new application, it had already been granted. Mr K asked Mr R if he could confirm that he accepted that the instructions he had been given by NAP were that he had to treat this as a brand new application.

Mr R replied that it was still the same application but it was a reconvened hearing with

new evidence.

Mr K asked Mr R to confirm that he was applying as an independent contractor and not as a paid Advocate as he saw from the GPC's website that he is a Superintendent and a representative for another company.

Mr R confirmed this was correct.

Mr K asked Mr R if he understood that the terms of service only require him to open Monday to Friday, 9am to 4.30pm and he was not required to open on a Saturday.

Mr R confirmed he did.

Mr K wanted to clarify that Mr R knew he would not be required to submit a letter to ask the APC to convene to discuss a change in his hours and that he could simply send a letter to let them know. In terms of his neighbourhood, Mr K agreed with Mr R's initial description that it was Windygates in its entirety but Mr K advised that he did not agree with his boundaries. On looking at the map Mr K he would have said Windygates as it exists would be Fallarch Road, to the North and not the Burns.

Mr R disagreed as there were houses further north of Fallarch Road and that the sign where Kennoway starts was actually further up the hill.

Mr K accepted that there are houses going further up the hill but beyond Fallarch Road it was just a field, and asked Mr R if he accepted that.

Mr R said he looked at this but if he had included Fallarch Road he would have been missing out part of Windygates.

Mr K asked if he had extended the boundary to capture these extra houses up the hill.

Mr R denied this because these houses were part of Windygates, the sign was further up the hill.

Mr K said Mr R's eastern boundary was again at the Burns, following south but a large part of that boundary was just fields so he would put it to Mr R that the eastern boundary was Dunnolly Gardens then follows the A916 as far as the roundabout, and asked Mr R if he felt that was a more reasonable definition.

Mr R did not agree as there were houses in Windygates, east of the A916 which can be clearly seen on the map.

Mr K noted there was a number of different figures for the population and that the figures he could easily find were 1,790, so for arguments sake we could say around 1,900. Mr K asked Mr R if he thought that was enough of a population to make the pharmacy viable.

Mr R thought it was.

Mr K pointed out that Mr R said he would need about 2,000 items at the lower level per month to make it viable.

Mr R confirmed this but noted it was different in every area as Mr K would know.

Mr K suggested that roughly on a population of 1,900 Mr R would need about 1.1 items per person that lives in the village to make it viable.

Mr R agreed.

Mr K asked Mr R where people access a dentist or GP service just now.

Mr R thought it was a mixture of Methil, Leven, Kennoway and Buckhaven.

Mr K noted that Mr R had said he was not going to target anyone outside of Windygates but in his presentation he said that he was hopeful that people in the Diageo plant may use his services which is outwith his neighbourhood.

Mr R said he was merely making an observation that people from these areas may access services in Windygates, he did not say they would, but it was possible.

Mr K asked Mr R if he would refuse to dispense a prescription if it came from outside the Windygates area.

Mr R said of course not, but it is the same with any pharmacy as a contractor you would dispense prescriptions outwith your area. He was asked if he would target other areas and the answer to that was no.

Mr K asked if he could give him an idea on what his opinion was in terms of the Legal Test and evidence of inadequacy.

Mr R replied that he would say the evidence of inadequacy was in the CAR.

Mr K asked him if he was relying on evidence of inadequacy in the comments in the CAR.

Mr R said no, not just the comments in the CAR, he had given evidence in his presentation e.g. the population size, the barriers to access, the steep hill to Kennoway, the distance to Methil, and Leven.

06/21.5 The Chair (Ch) questioned the Applicant (Mr R)

Ch asked Mr R to confirm if he said he had a Pharmacist at the moment and that he may have to recruit a part time Pharmacist and locum.

Mr R confirmed that he had already arranged a full time Pharmacist and had a relief Pharmacist so the full time Pharmacist could have their day off, and for Sundays he would recruit a regular locum. His point was, due to the small amount of pharmacies open on a Sunday he had found there was no problem finding a locum.

LUNCH BREAK

07/21

INTERESTED PARTIES' ORAL SUBMISSIONS

Before going on to hear the Interested Parties Oral Submissions, Mrs Kelly confirmed that all members of the Panel received the same version of the CAR. All individual comments were made available to the Panel on request.

07/21.1 Councillor Alexander spoke to his presentation.

I am surprised to be doing this again as I thought we won the argument on need the last time. I agree with everything Mr Razzaq has said. I was born in Windygates and lived there for 35 years and now live in Kennoway. I have represented the Windygates community for 36 years as a member of Kirkcaldy District Council and the Fife Council. I have also represented parts of Kennoway for the same time and others for less. As mentioned before Windygates did have a pharmacy when the village was only half the size it is now, which is an argument for viability. I think the question was asked why the pharmacy had closed. I think it closed because the Pharmacist died, and wasn't replaced, although I could be wrong. That was also the time that all sorts of businesses were moving out of communities. We had a bank in Windygates which was open for three days. I am glad to say we are looking at the reversal of all of that but that was the situation back then. It seems to be standard wording from the objectors, we object to the application as it is neither necessary nor desirable. I am less interested in the financial side or the commercial impact on neighbouring pharmacies, I am more interested in viability. I want to establish a clear desirability and the necessity for a pharmacy in Windygates, especially with Covid right now. The people in Windygates want and desire a pharmacy. Those people that are left remember what it was like to have one before and the younger people see the lengths they have to go to access a pharmacy. Prescriptions are supposed to be free, they are to most people in Levenmouth, but if you stay in Windygates you have to use the bus and pay heavy bus fares, or hire a taxi, or need to put unnecessary car fumes into the air, then it doesn't seem free to you, which we need to consider.

Can I refer to the letter from the APC, where it says that the population per Community Pharmacy for the Levenmouth locality has the second lowest population of all localities in NHS Fife? This would be fine if Levenmouth was one community but it's a group of communities, and that sounds good until you stay in Windygates and you don't have a pharmacy.

As for the boundary, the Fallarch Road is not the boundary. The boundary between Windygates and Kennoway is the Burns, where there is a Burn and the bridge over it. The Fallarch Road also had about a dozen small holdings. The eastern boundary is the field that goes as far as the Bowling Club. Both fields on the east and west in the Local Plan every year are put forward by farmers for development and both tend to fail, but in the Local Plan that is Windygates.

The letter from the Community Council confirms they are fully supportive of the application.

In the CAR in answer to the question, "do you think there are gaps and deficiencies in provision of Pharmaceutical Services in this neighbourhood", 116 responded yes, 17 responded no. In answer to the question "do you think that there will be a positive or negative impact on the neighbourhood in having a community pharmacy", 100 positive, 14 negative and 7 said don't know. That's just a few of the questions but the rest are just as positive. It was suggested that 7% was a poor return, but this is pretty average. I can guarantee if this survey was repeated the positivity rate would be even higher. The key themes from the CAR were, the high level of support for a pharmacy, there are no existing services based within the neighbourhood, therefore residents have to currently travel outwith to access services which requires access to transport. A new pharmacy would be beneficial for those who rely on public transport, as the service is limited and

can be costly.

As a local Councillor, I can confirm the support. I was asked on many occasions from the constituents to try and reinstate some sort of Pharmaceutical Services with no success. Over the last two years I have issued two newsletters in Windygates since the last Hearing, keeping people informed. As usual some people are unaware, however most were delighted and there was genuine anger when the previous application was refused.

Windygates is the only village in Levenmouth that doesn't have a pharmacy. If you look at the map in Appendix 6 of the PPC papers, where it shows clearly the isolation of Windygates, no. 12 on the map, in terms of pharmacies compared to the rest of Levenmouth. It is also worth looking at the isolation of East Wemyss, no. 2 on the map, with the rest of Levenmouth. They are not dissimilar in size, in terms of population, East Wemyss has 154, Windygates has 147, yet East Wemyss was rewarded a pharmacy. This was probably opposed by the same objectors for the same reasons. You cannot reach a pharmacy by foot from Windygates. You reasonably could walk to a pharmacy in any other part of Levenmouth, instead you would need to access a bus service, hire a taxi or drive.

I would say the population of Windygates is between 1,900 and 2,000. Crail has a population of 750, yet has a pharmacy. Pittenweem with a population of 1,650, Kinglassie with a population of 1,520, Elie and Earlsferry has a population of 910, Thornton has a population of 962, Aberdour with a population of 720 all have a pharmacy.

The bus service to Kennoway has been reduced, there are less opportunities to use public transport. The key themes of the CAR showed the issues with transport getting to and from Kennoway. The bus service to Methil and Methilhill has been reduced slightly, but few people tend to go Methil or Methilhill to access services. Since lower Methil's shopping centre has disappeared, it's not a place people of Windygates would go to access a pharmacy.

It is worth explaining that Kennoway and Windygates are linked. Kennoway has a co-op and it is cheaper to use the bus service to Kennoway from Windygates for day to day matters and is also quicker to access. The pharmacy service in Kennoway has deteriorated. There have been quite a few occasions where people would get the bus to Kennoway only to find the pharmacy was closed. This is due to both a lack of pharmacists and staff. I understand the staff walked out at one point. This is a regular occurrence and the biggest complaint I was getting was regarding Lloyds in Kennoway, no one else seemed to be affected. The result is that many people have lost confidence in making that trip and this has added to the demand that Windygates should have it's own pharmacy. You have the letters from the GP Surgery in Kennoway and Addiction Services. I complained to the Health Board in July, and they responded to me by saying they were monitoring the situation. I have had complaints lately, not so much about the closure now but that customers can't get their prescription on the day, they have to return the next day.

Regarding Covid, people don't want to stand in a queue. The letter from Dr Mullan shows support for the new Windygates Pharmacy, in terms of competition. It's pretty devastating for a doctor to write that type of letter.

Question 8 of the CAR, "do you think anything is missing from the list of services

provided”, 7 responded yes, 86 responded no. Windygates doesn’t list additional services that the Kennoway doctors would likely suggest would come from a motivated pharmacy on our doorstep.

A pharmacy in Windygates would be the closest pharmacy to Cameron Hospital. There have been numerous issues in the last five months with Lloyds in Kennoway according to Addiction Services.

It’s also worth noting that even from 2018, the poor service from Lloyds in Kennoway has been going on. Often no Pharmacist is available, this is a long standing problem. During the Beast from the East, Kennoway was effectively cut off from Windygates. The pandemic has changed everything, no one wants to travel on a bus or even leave the safety of their home. The end result will be that as many services as possible need to be located as close to the people as possible. In the case of Windygates that means a pharmacy. We have no idea how long we are going to have to face this nightmare. The people of Windygates needs their own pharmacy rather than utilising public transport, where some may or may not observe the rules. Windygates is the only community without its own pharmacy. The Covid case level for Windygates and Balgonie is higher than Kennoway and the only reason I can think of for this is that the residents are leaving their communities to access services in larger communities outwith.

So, if we look at the support from the Community Council, the positive response from the CAR, Kennoway Surgery, Addiction Services, the isolation of Windygates, the increasing difficulty and cost of travel, the problems at Lloyds in Kennoway and the pandemic, I would say the objections come from people who are looking after their own business. I am more interested in the need.

In May, the manifesto for the new Government will be published and it will have an impact. 20 minute neighbourhoods are going to be designed, these are where people can meet their needs within a 20 minute walk from their home, with access to safer routes for walking or public transport. Regarding Windygates you cannot walk to Kennoway because of the Sandy Brae, you cannot walk to Methil or Methilhill as there are no safe crossings over busy roads.

As for viability, in 2023 Windygates is going to have its own rail station, as is Leven, the impact that made on the Borders was enormous. It opened up the Borders to more businesses, more houses and more tourists. The same is expected in Levenmouth, house building is going to increase rapidly and house prices go up when you are close to a railway station. Fife is one of the most popular destination for walkers, thanks to the coastal path. To access the Kennoway to St Andrews link, you would get off the train at Windygates. People will be coming off the train looking for services. You can walk to Kennoway from Windygates because the Pilgrims Way goes around Kennoway Den, where you can bypass the hill on the Sandy Brae. This will bring wealth and more people to Windygates. Thank you.

INTERESTED PARTIES QUESTION COUNCILLOR ALEXANDER

07/21.2 The Applicant had no questions for Councillor Alexander.

07/21.3 Mr Arnott (Mr A) questioned Councillor Alexander (CA)

Mr A asked CA if he thought that the bus service was poor due to the fact that no one used it because they all have cars.

CA responded that it was a poor service but the pandemic had reduced the number of people using the service and the prices were going up.

Mr A asked if CA had asked the bus companies to introduce more buses.

CA confirmed he had, but he only had influence after 6pm, this is the only input he had. They are a private company. If he asked them to make changes before 6pm they would ask for money.

Mr A asked what impact CA thought a 30% loss would have on any business.

CA replied that it is a high number but Kennoway Pharmacy should be favourable over the other pharmacies he listed.

Elie, Crail and Pittenweem Pharmacies all have a high number of tourists for a fair part of the year. Mr A asked CA if he agreed.

CA said not necessarily as in these communities they often had bought holiday homes so Mr A was looking at the same people.

Mr A asked what he thought the cost of a new pharmacy is to any Health Board

CA said he had no idea.

Mr A confirmed that Community Pharmacy Scotland reckon it is between £30,000 and £50,000.

Mr A asked where CA did his banking and supermarket shopping.

CA confirmed he did his banking online and as for a supermarket, sometimes Aldi in Leven but mostly the Co-op in Kennoway. If it was a big shop he ordered a delivery.

Mr A asked if CA thought there was a need for a Pharmacy in Windygates to be open 59 hours per week.

CA said he was no expert but it would be a good service to have.

Mr A told CA that he said that all the staff walked out at Lloyds in Kennoway. That was not the case, there were two people, one moved to Aberdeen and one to the Health Board.

CA replied that wasn't what the public in Kennoway thought.

Mr A stated that Lloyds Pharmacy had only been closed six times, three of which were partial closure. He could only give CA the facts.

Mr A asked if he thought the CAR should have included the residents of Kennoway and therefore the responses would have been from a combined population of 6,470 rather than 1,860 which is Windygates alone.

CA said no, as this is about a Windygates Pharmacy. He thought it would have been Windygates alone.

Mr A noted CA had said Windygates had a 6.2% response rate which he felt was fairly high and asked if he would agree with these figures. Monkton had a 22% response rate, Townhill had a 21.1%, Fenwick had a 17% Blackburn in West Lothian had a 12.9%, Moffat, similar to Windygates had a 10% response rate, Aberlady had a 9.6%, Mid Calder 9.5%, Bishopton 9% and so on. Mr A asked CA if he thought 6.2 % response rate was fairly high.

CA confirmed he did as when he distributed surveys for the Council this was the typical response rate.

07/21.4 Mr Freeland (Mr F) questioned Councillor Alexander (CA)

CF asked CA if he knew Omnicare in Methil ran a delivery service into Windygates

CA confirmed he did know there had been a delivery service during the pandemic but people preferred face to face.

Mr F confirmed that deliveries were very important especially to the housebound and that Omnicare had increased their deliveries to two per day during the pandemic.

CA commended him but people were still going to prefer a pharmacy on their doorstep.

Mr F asked if CA would accept that most people in Windygates would travel outside to access services other than pharmacy.

CA accepted this.

Mr F asked if he thought it was important that the pharmacy was open seven days per week.

CA replied that as a commercial decision for the owner, if it was open seven days per week that would be good for him. It would provide an excellent service.

Mr F asked if he would be disappointed if it changed to five days per week.

CA confirmed he would be.

Mr F asked CA if he was aware that Lloyds in Kennoway offers all core services.

CA said he did not know what services they offered but he knew he got more complaints about them than positive comments.

Mr F asked CA if he would accept that complaints about pharmacy services could be high because of the pandemic.

CA said he could not. He represented Windygates, Kennoway, Leven and Upper Largo and he has received no complaints other than those for Lloyds in Kennoway.

Mr F asked him if he was also aware that most pharmacies had queues outside due to the pandemic.

CA confirmed he did and could understand that but if you had to unnecessarily go back

to the pharmacy it doubled the chance of infection in their eyes, and also if you needed to get the bus up to Kennoway and the pharmacy was closed, this would not be ideal.

Mr F remarked that many people who were using the bus were elderly so there was no cost to them.

CA stated that elderly patients often used taxis etc because they had a zimmer and could not go on a bus. They would often combine their trip and go to the co-op at the same time as the pharmacy.

Mr F remarked that CA had mentioned a lot of similar applications had been granted in the past and asked if he was aware that they were granted when the process was different and that this has changed over a number of years. At that time it was somewhat easier to grant an application for a new pharmacy.

CA said he did not pretend to understand the rules, he only looked at the village and the services and thought it was time to grab the opportunity of having a new pharmacy.

Mr F asked CA if he would agree that 80% of residents who own a car is a high number.

CA was not sure but stated we are trying to reduce car use.

Mr F asked about when we move to electric cars.

CA was not sure.

Mr F asked CA if knew the plans for where the train would be stopping in Windygates.

CA confirmed it would be the road going towards the Bowling Club in Windygates. At the roundabout there is a road that goes towards Methilhill and the distillery, it would be right in the middle of there.

Mr F presumed there would be a park and ride there.

CA confirmed this.

Mr F asked what services would they then access in Windygates?

CA was not sure but before going on a long walk along the coastal path they could access services in Windygates. He explained that the Borders had expanded with new businesses that the rail lines had brought and we were basing our plans on them.

Mr F asked CA if he would accept that Windygates was quite limited on commercial properties to do that.

CA agreed at the moment but said it will be all about the number of people who are stopping and there will be big demands for housing. He had no doubt we would see Moores Housing at Castlefleurie trying to extend towards the rail link. They do not have planning permission yet, but he thought they would be trying to build as close to the station as possible.

CA mentioned deaths in Windygates. Mr F asked him if he was attributing that to not having a Pharmacy.

CA was not sure but felt it could be a possibility.

Mr F remarked that patients used GP Surgeries outwith Windygames as there were none in the village and that Omnicare provided services to Methil and Windygames, and asked CA if he accepted that they dispense a number of prescriptions for residents in Windygames.

CA accepted this but noted people chose Kennoway first, then Leven but he knew people who have moved from Methil to Windygames.

07/21.5 Mr Jamieson (Mr J) questioned Councillor Alexander (CA)

Mr J asked where secondary school children go to access secondary education.

CA confirmed that the vast majority attended Levenmouth Academy but some would attend North East Fife schools.

07/21.6 Mr Timlin had no questions for Councillor Alexander.

07/21.7 Mr Arnott spoke to his presentation. A copy of which is attached (Appendix 2)

INTERESTED PARTIES QUESTION MR ARNOTT

07/21.8 The Applicant (Mr R) questioned Mr Arnott (Mr A)

Mr R asked Mr A how many deliveries he did to the village of Windygames on a weekly basis.

Mr A confirmed probably about 16 or 17, not many. This was because most of the residents found it not too difficult to access his pharmacy. It was mostly the residents who were on compliances that found it difficult.

Mr R asked if he thought it could also be that people did not find it is a good service.

Mr A responded absolutely not.

Mr R asked if it was correct that Lloyds only deliver from Lloyds in Kennoway between 12pm and 3pm.

Mr A answered that unless there was an emergency then they would deliver outwith those hours. There was no great demand as people in Windygames were managing to access Pharmaceutical Services.

Mr R commented that Lloyds could withdraw their delivery service at any time considering it was not a core NHS service.

Mr A agreed as can any pharmacy in Scotland but said they had no intention of withdrawing the delivery service.

Mr R asked if Mr A felt it was reasonable to expect someone who was elderly or had a pram to walk up the hill to Kennoway from Windygames.

Mr A noted that it would be very difficult for the elderly to walk up but the under 22 year olds would soon be able to get on a bus for free, but this would depend on the individual; some people liked to walk. He was not denying that it was not an easy walk.

Mr R asked where he thought people would go to access pharmacy services on a Saturday afternoon, bearing in mind Lloyds in Kennoway closes at 1pm.

Mr A thought it was Leven.

Mr R asked how they would they get to Leven. Did he think they would pass through Windygates?

Mr A advised that he had no idea.

Mr R said that Mr A mentioned in his presentation that it was difficult to see where Windygates ended and Kennoway began, and asked if he knew that there was a sign post when going up from Kennoway Burn where Kennoway began.

Mr A said he knew the area quite well, he was the Area Manager for Lloyds in Kennoway for 10 years. The point he was making was that they were basically running into one another.

Mr R said to Mr A that he mentioned that his pharmacy dispensed 6% less items in the last year, but he had noticed that this was not the general trend throughout other pharmacies in the Levenmouth area. Would Mr A say that was because of the poor service from Lloyds.

Mr A said one of the problems was the GP Practice in Kennoway. They had been short of GPs and were not managing to get the prescriptions out and that is why Lloyds had the second highest amount of CMS patients in Fife.

07/21.9 Councillor Alexander (CA) questioned Mr Arnott (Mr A)

CA was trying to understand why a pharmacy in Kennoway would be struggling when the village was so big and yet there had been pharmacies opened in smaller villages. It did not make any sense to him.

Mr A responded that although the population was higher than in Windygates there were not a lot of residents registered at Kennoway Practice. Pharmacy prices were going through the roof, Lloyds were probably about 40% over on their pharmacy costs than they were last year at this time so the viability with a loss of 30% of the business was a fact.

07/21.10 Mr Freeland (Mr F) questioned Mr Arnott (Mr A)

Mr F asked if Lloyds had a good relationship with the Practice next door.

Mr A confirmed Lloyds currently had an excellent relationship with the Practice.

Mr F asked Mr A to clarify that Lloyds did emergency deliveries when needed during the week.

Mr A agreed absolutely.

Mr F asked if they had a limit on the number of Dosette Boxes they did.

Mr A said no: they we could utilise the hub in Glasgow for assembling them so there would never be an issue.

Mr F asked for comments on the letter about patients unable to access drug misuse services.

Mr A said the letter regarding drug misuse was dated 2019, but he was still shocked, as they had never refused a methadone patient.

07/21.11 Mr Jamieson (Mr J) questioned Mr Arnott (Mr A)

Mr J asked if Mr A if he could clarify if the pharmacy application was granted and Lloyds in Kennoway were to lose 30% of its business, would they be able to guarantee that the pharmacy would stay open.

Mr A thought that with a 30% loss of business along with the increased costs, he would not like to give a guarantee.

07/21.12 Mr Timlin had no questions for Mr Arnott

COMMITTEE MEMBERS QUESTION MR ARNOTT

07/21.13 Ms Auld had no questions for Mr Arnott

07/21.14 Mr Hannan (Mr H) questioned Mr Arnott (Mr A)

Mr H asked if Mr A would be able to elaborate on how the workforce issues, which are affecting the whole of pharmacy just now, had affected Lloyds Pharmacy in Kennoway over the past year due to unplanned closures or availability of services.

Mr A noted that this was across the whole of pharmacy just now, not in Fife alone, the impact of Covid and the restrictions that put on movement; he was just pleased that they were able to keep the pharmacies open as much as they had done.

Mr H asked that with the closures, what had been the impact on Lloyds Pharmacy in Kennoway.

Mr A replied they only had six closures in Lloyds Pharmacy in Kennoway over a 12 month period, two of which were Covid related and they ended up being only part closures.

07/21.15 Mr Jack questioned Mr Arnott (Mr A)

Since the new GMS Contract and also Covid, most GPs are directing patients anywhere but the GP Surgeries. On that list they say to contact your local pharmacy. Mr J asked Mr A if he had found that there had been an uplift in his business because of that.

Mr A confirmed they had had a 225% increase in the use of Pharmacy First recently, and the 30% decrease would not offset this.

07/21.16 Mr Kelly (Mr K) questioned Mr Arnott (Mr A)

Mr K noted Mr A was speaking about 6,000 residents which was a combined neighbourhood of Kennoway and Windygates and asked if that was correct.

Mr A confirmed this.

Mr K asked Mr A if he knew if Kennoway and Windygates had separate Community Councils.

Mr A had no idea.

Mr K asked if it would be his contention that Kennoway and Windygates form part of the same neighbourhood.

Mr A replied that they seem to run into one another and that there was not a gap and as the Councillor said, the residents in Windygates seemed to utilise the services in Kennoway on a regular basis.

In terms of a 30% drop in business against a 40% rise in costs etc, Mr A was asked how many pharmacies had closed as a result of a new contract being granted that he was aware of.

Mr A was not aware of any at all but thought he gave the example of the one in Fenwick, within 14 months the owner had been leafleting within a five mile radius of his premises, which I assume is to keep his business viable.

Mr A was asked if he knew if the letter from Addiction Services was representing them, or were they speaking on behalf of the Board.

Mr A said that speaking to our Area Manager, she had had no issues raised by Fife Health Board.

Mr A was asked to clarify that there wasn't an issue with capacity in Lloyds in Kennoway.

Mr A confirmed this.

Mr K asked him what he would determine as adequacy of service.

Mr A replied that they are providing all the core services, as listed, when needed.

Mr K asked Mr A if he was aware, when talking about being necessary or desirable the Committee could decide that it could be one or the other or both.

Mr A was aware, however, if services were deemed adequate there was no need to discuss necessary or desirable.

The Chair allowed Councillor Alexander to clarify the point that there were two separate Community Councils for Windygates and Kennoway.

07/21.17 The Chair (Ch) questioned Mr Arnott (Mr A)

Ch reminded Mr A that he said he had approximately 16 or 17 deliveries to Windygates at the moment and asked if he would have the capacity to increase that amount if needed.

Mr A confirmed they could if there was a need. The driver, who was shared between the Lloyds pharmacies would cover more hours if it became necessary.

Ch asked Mr A if he had any details in relation to accessible transport for individuals.

Mr A replied that he knew that car ownership was high in Windygates so that would be available to the residents and as the Councillor said many of these residents used the Co-op in Kennoway.

07/21.18 Mr Freeland spoke to his presentation

First of all I would like to thank the Committee for allowing me time to put forward my argument for objecting to this Application.

I believe I have enough evidence to prove that this application clearly fails the Legal Test as there are a number of pharmacies who provide an adequate service to the neighbourhood in Windygates.

In terms of the neighbourhood I would disagree with the Applicant's definition of the neighbourhood. Within Windygates itself, I can only see one convenience store, a Chinese Takeaway and a Primary School. I don't believe it's a neighbourhood for all purposes. I would argue that the majority of residents, apart from those that are housebound, leave Windygates daily to access services in Kennoway, Methil and Leven for shopping and amenities. Those who work will almost certainly leave Windygates to go elsewhere in Fife. If you need to access services such as a GP, dentist, optician and pharmacy, you will realistically go to Kennoway, Leven or Methil. Due to the fact that there is no GP in Windygates, residents are also likely to be registered with a GP Practice in those areas. I think around 40% of residents in Windygates are actually registered with the GP Practices in Leven and Methil. They are obviously happy to access services outwith the neighbourhood. It therefore seems sensible for residents of Windygates to use all services within the surrounding areas then return to Windygates solely to live.

There are good transport links to those areas even if you don't own a car, the distance is only a few miles. This begs the question of how many people would actually use a pharmacy in Windygates. In terms of the population, Windygates had an estimated population of around 1,790, back in 2011 the consensus data had the population of 1,654. I would argue this is a small population and the question, to a business owner myself, is how a pharmacy would survive. The 2011 Scottish consensus data showed that 53% of the population living in Windygates were in very good health, 29% in good health, and only 6% were in bad or very bad health. 17% of the residents of Windygates are aged over 65 and going by the previous statistics, many will be in relatively good health. Those that are not are probably housebound and getting a delivery service from either of the eight pharmacies. To me this doesn't represent a neighbourhood in regular need of a pharmacy, again bearing the question, who would

use this pharmacy.

Residents in Windygates enjoy high car ownership, the Scottish consensus data showing around 80% of households having access to a car and some having access to two or three cars. Residents also enjoy better than average health as they score low in the Scottish Index of Multiple Deprivation which means they are not living in a deprived area.

Moving on to the current pharmacy services into the neighbourhood. Windygates does not have a pharmacy, does there need to be a pharmacy in every Fife neighbourhood. No, many neighbourhoods have services by pharmacies in close proximity and provide an adequate pharmacy service. Windygates is one of those. It has the luxury of being serviced by eight pharmacies. The closest being Kennoway, around a mile away, ourselves in Methil, roughly 1.4 miles away, the other six are within 2.2 miles of Windygates. All of those pharmacies offer core services, a delivery service and support those with compliance issues and Dosette Boxes. As a company, Omnicare have acted heavily to support our branches in Methil and Leven. We have a dispensing robot in Methil to allow staff to spend more time with patients and a 24/7 collection point in Leven attached to the branch which allows customers easier access to their medication. The centralised robot produces all Dosette Boxes, with staff being able to provide all core services, in person, face to face, or over the phone. Both branches have large consultation areas to allow a pharmacist and staff to provide pharmacy services to all patients. Substance misuse patients have access to a separate consultation area, and our branch in Methil has the highest rate of customers stopping smoking through the Smoking Cessation Clinic run by Marie. She has given her support to over a thousand people over the last six years. We collect prescriptions from all surgeries and offer a home delivery service six days per week Monday to Saturday from both branches to Methil, Leven, Windygates and Kennoway. We deliver all year round and even during the bad snow, a number of years ago now, we delivered medication by using a 4 x 4. In these situations we have very flexible staff who work together as a team to ensure we don't have any extra demand. Equally during the pandemic, we were never closed, even for a few hours during the day. We have supported patients in all areas including Windygates who are self-isolating and who require a delivery service. This even includes delivery of a Pharmacy First consultation and last minute emergency prescriptions. Recent drops such as Windygates have demonstrated we have far more than an adequate pharmacy service.

In terms of access, residents of Windygates have little issues accessing the eight pharmacies in my opinion. Many of them are located next to surgeries which they will visit to see their GP or other amenities which I mentioned earlier. This will just be part of their day whilst they are also at work or meeting friends. Car ownership is high in Windygates and there is adequate parking at all our pharmacies free of charge. Public services, such as the bus from Windygates takes you to all areas. The 44 takes you directly to our pharmacy in Methil and Leven branches and local surgeries every hour. The 43 takes you from Windygates to Kennoway again every hour. This is not poor access. During better weather I am sure many people like to walk from Windygates to Kennoway, this can take anywhere from 25 minutes onwards. Again for those that are housebound a delivery service is offered at least twice daily to all areas from both branches.

At this point I see no inadequacies in relation to existing pharmacy services and therefore the application fails the Legal Test. However I would just like to mention the CAR, the premises and the viability before I conclude.

I think if you look at most CARs of pharmacy applications, you will find an overwhelming support for a new pharmacy, who doesn't want a pharmacy within walking distance or within a very close proximity to where they live. So response to questions in the CAR are going to be in the majority. What is significant in this CAR is support for a new pharmacy, however there is a low number of 7% in Windygates that responded, 21% either stated that there are no gaps in the existing provision of pharmacy services or didn't know and 25% didn't support the application. I think these numbers are high and those who took the time to complete the questionnaire and give their responses indicates there is no issue with pharmacy services provided by the eight pharmacies close to Windygates. 14 people actually responded saying having a pharmacy in Windygates would have a negative impact on the neighbourhood. You can interpret their findings in the CAR whatever way you want, however I don't get the impression there is an overwhelming support for a community pharmacy in Windygates. Mr Freeland read a few comments from the CAR.

In terms of the premises, the first issue, which was raised in the CAR was the availability of parking but it's not an issue at all, other local pharmacies have parking outside, especially when it's busy and even with parking available in the Chinese carpark, which has always been available, has been raised in the CAR too. The size of the pharmacy and the plans, having visited the premises, doesn't seem to me that it's large enough to fit all the facilities needed for a modern pharmacy. The layout is a supervision area which is a consultation room and I feel for the staff having to work in there and no staff area, or little staff area. Importantly, the APC and Evelyn McPhail, the Director of Pharmacy, raised concerns on the size of the pharmacy. Both parties felt it wouldn't meet the GPSC standards.

Viability of a pharmacy in Windygates with a low population, the majority leave the neighbourhood to work elsewhere or travel outwith to carry out their normal day to day activities. The question then is, if there was a pharmacy in Windygates, would they use it. Very few, and the proof of that is that there was a pharmacy previously situated in Windygates and had to close for this very reason. In line with current staffing levels, in all pharmacies across Scotland, the opening of another pharmacy, seven days a week, raises concerns, not for every contractor at this Hearing but also the APC and the previous Director of Pharmacy, who mentioned it in their paperwork.

I believe granting a pharmacy in Windygates would destabilise the network and in general, it would have a negative effect on service provision as a pharmacy wouldn't survive in such a small population. The most up to date Pharmaceutical Care Services Plan explains that overall there are no identified gaps in the provision of pharmacy services in Fife. Additionally it mentions there is no under provision in terms of opening hours for NHS Fife with the actual number of community pharmacies open seven days having increased from eight to nine.

This is a mobile neighbourhood with high car ownership, a bus service and pharmacies who all do deliveries to the housebound. I believe the provision of pharmacy services in the neighbourhood and the level of service provided by those contractors to the neighbourhood is currently adequate and it is neither necessary nor desirable to open an additional pharmacy. Thank you.

INTERESTED PARTIES QUESTION MR FREELAND

07/21.19 The Applicant (Mr R) questioned Mr Freeland (Mr F)

Mr R asked roughly how many deliveries Mr F did to Windygates on a weekly basis.

Mr F said it varied but before Covid, roughly between 15 and 20 deliveries during the week. The numbers went up during Covid, with people self-isolating but it had gone back down to 15 to 20 deliveries.

Mr R asked that for anyone who did not have access to a car, would you expect them to walk to either of your pharmacies.

Mr F replied, realistically, no.

Mr R said you mentioned the 44 bus service and asked if he believed it was good service.

Mr F felt that if you were to look across Scotland, a bus an hour a day, would suggest it was.

Mr R asked, considering you could not get a bus for three hours during the day, did he still think it was a good service.

Having looked at Google maps it said the bus ran every hour so Mr F felt they may have to agree to disagree on this one.

Mr R commented that Mr F's delivery service was not a core NHS service so he could withdraw that at any time.

Mr F replied that in 18 years they have never withdrawn the delivery service in their 11 branches and would not.

07/21.20 Councillor Alexander (CA) questioned Mr Freeland (Mr F)

CA told Mr F that he had mentioned that Windygates only had one convenience store and asked Mr F if he had missed the one in Henderson Park? CA referred to Mr F's comment on an issue with parking so highlighted that there was a large carpark just down from the proposed site.

Mr F appreciated that there was parking, which would be shared with the two convenience stores, but said when he passed he could not park on the main road. He continued to advise that there was also parking at the other eight pharmacies which were local to Windygates. Mr F confirmed that he must have missed the other convenience store but said that even if there were two, most people would do their shopping outwith the village to go to supermarkets.

CA concluded that the fact that there were two convenience stores in Windygates suggested that people were using them.

07/21.21 Mr Arnott (Mr A) questioned Mr Freeland (Mr F)

Mr A asked Mr F if he would agree that a large number of people used the co-op in

Kennoway.

Mr F confirmed that he would have thought so.

Mr A asked Mr F if in his opinion, was there any need for a pharmacy to be open 59 hours per week in a small village in Fife?

Mr F said no, and as a business owner it was not something that he would ever contemplate.

Mr A asked Mr F if he would question the cost of viability of a pharmacy that would open 59 hours per week, plus staff, plus delivery service.

Mr F agreed he would. With the opening hours suggested by the Applicant, the increased costs of Pharmacists and locums, which he may have to use to cover holidays and the size of the population, it was not viable.

Mr A asked if one of his pharmacies was in danger of losing 30% of its business, would they all remain viable.

Mr F said not nowadays, with increased costs of staffing.

07/21.22 Mr Jamieson had no questions for Mr Freeland

07/21.23 Mr Timlin had no questions for Mr Freeland

COMMITTEE MEMBERS QUESTION MR FREELAND

07/21.24 Ms Auld (Ms A) questioned Mr Freeland (Mr F)

Ms A asked Mr F to expand on the information he had on the previous pharmacy closure in Windygates.

Mr F said he purchased Methil/Leven pharmacies from the previous owner of the Buchanan family who owned the pharmacy in Methilhaven at one point. They closed it because it wasn't viable.

MA asked how long ago that was.

Mr F said he could not be sure but suggested twenty years or more.

07/21.25 Mr Hannan had no questions for Mr Freeland.

07/21.26 Mr Jack had no questions for Mr Freeland.

07/21.27 Mr Kelly (Mr K) questioned Mr Freeland (Mr F)

Mr K asked Mr F if he would accept that if you are unwell, travelling outwith the village to access pharmacy services would not be a normal activity, so it would be desirable to have a local pharmacy.

Mr F said it would be desirable not having to travel to access pharmacy services when unwell, but the delivery service would alleviate that problem.

Mr K asked him if he was aware of any pharmacies that had closed because a new contract has been granted.

Mr F was not aware of any.

Mr K asked him what he classed as adequacy of service?

He replied pharmacies offering the core services.

Mr K asked if the reason he provided a delivery service from his pharmacy, was to increase his catchment area so he could gain prescriptions albeit that was not the same as neighbourhood.

Mr F agreed but, within Windygates, his deliveries were relatively low.

07/21.28 The Chair (Ch) questioned Mr Freeland (Mr F)

Ch asked Mr F to clarify, if someone was unwell and could not access public transport, or wished not to even if they could, or had a car, what was the criteria of a delivery service.

Mr F said there was no specific criteria, if they contacted the pharmacy up until 5.30pm they would deliver, the same as they would for anyone.

07/21.29 Mr Jamieson spoke to his presentation

Looking at the neighbourhood of the proposed site, we don't take issue with the neighbourhood defined by the Applicant. The neighbourhood of Windygates, according to the Scottish Government Urban Rule Classifications, is classified as accessible, which is a settlement of less than 3,000 people and within 30 minutes' drive of a settlement of 10,000 or more. The neighbourhood defined by the Applicant is small, with a limited population and very limited facilities. It does not exist in isolation as it has good transport links to the wider area, and residents of Windygates would use the transport links to access other neighbourhoods for all the very basics of daily needs. We would expect residents to shop regularly at the supermarkets such as Sainsbury's, Lidl and Aldi in Leven, or Asda's and Morrison's in Glenrothes or the smaller supermarket in Kennoway.

Residents are also likely to be registered with the GP Practices in Kennoway, Methilhaven and Leven. It would therefore follow that they would be likely to access Pharmaceutical Services in these areas.

Whilst there's a Primary School in Windygates, older children in the village will leave the neighbourhood to go to Levenmouth Academy or St Andrews in Kirkcaldy.

We've had a few different figures for the population and demographics. The figures from the 2011 census are 1,654 and I have heard during the other presentations a figure of 1,790. Not a huge amount of difference in the figures except the census information is from 2011. Based on the census, a population of 1,654, of which 283 residents were aged over 65, which is 17% of the population and this is less than the average for Fife or Scotland.

Car ownership in the neighbourhood is high, a figure of 83% of households having access to a private vehicle, which is well above the national average of approximately 69%. 42% of households have more than two vehicles. 82% of the population rate their health as really good or very good, and this is the same for the average of Fife at only 1% less than the national average.

The Scottish Index of Multiple Deprivation shows Windygyates to be one of the generally least deprived settlements in the Levenmouth locality. None of the output areas that cover Windygyates fall into the most deprived areas.

Moving on to the proposed site, it's located on its own at the General Store on Milton Road. There is limited on street parking outside from what we can see.

Whilst there is no pharmacy currently in the neighbourhood defined by the Applicant, the Committee must consider the Pharmaceutical Services available to the neighbourhood provided from pharmacies outwith. Pharmacies in Kennoway, Leven and Methil and the wider Glenrothes area provide access to an extensive range of Pharmaceutical Services as well as access to services seven days a week. Boots in Glenrothes is open on a Sunday. Boots have three pharmacies in the area, Buckhaven, Methil and Leven. Our pharmacies offer all core national and local negotiated services. We provide medical compliances or Domiciliary Dosage Packs which are available from our pharmacies, and they offer a delivery service which includes Windygyates. We have capacity, in terms of growth for deliveries and Domiciliary Dosage Packs, if not already provided, could be provided from one of the existing pharmacies. We submit that the existing pharmacies, provide an adequate level and range of Pharmaceutical Services to the residents of Windygyates. The Applicant has failed to show any evidence of inadequacy of the existing services.

The NHS Fife PCSP, its primary function is to describe the unmet need of Pharmaceutical Services within the Health Board population and the recommendation by the Health Board as to how these needs should be met. A period of public engagement was taken before they drafted the plan and note the point from Evelyn McPhail dated November 2018, stated that there were no deficiencies or gaps in Windygyates identified in PCSP. The latest plan states "it would appear that overall there are no identified gaps in provision of Pharmaceutical Services in NHS Fife". These services are well distributed across the region, and meet the access needs of the vast majority of the population with no large gaps being identified. In addition the report has not identified unmet need for new community pharmacies across Fife although the need for services throughout the existing pharmacies may require ongoing scrutiny". Therefore no unmet need requiring a new pharmacy in the PCSP.

Many of the existing pharmacies are located where the patients go to the GP or access other services or facilities such as carrying out their regular shopping. Car ownership is high in Windygyates, and parking is available at the existing pharmacies. There is free parking at a number of sites. The area is served by both public and community transport for any residents who do not have access to a car and a concessionary bus travel is available to those who are eligible. Delivery services are provided by a number of existing pharmacies and there is no evidence to indicate that patients are experiencing significant difficulties from wishing to access Pharmaceutical Services. All of our Boots pharmacies are DDA compliant. Boots in Leven has a level step free entrance with power assisted doors and there is a car park to the rear of the store with disabled spaces and most parking in Leven is free for two hours. Boots in Methil has parking directly outside, with disabled parking and a level step free entrance with power assisted

doors. Boots in Buckhaven has on street parking outside with a ramped entrance.

We submit the Panel must consider both the viability of the proposed pharmacy and the effect on existing pharmacies. The Applicant proposes to open from 9am to 6pm week days and 9am to 5pm Saturday and 10am to 4pm on a Sunday, 59 hours in total. Given that the population is small and that there are no GPs in the neighbourhood generating prescriptions and as patients will leave to access facilities in adjacent neighbourhoods, we believe the actual number of items that would be dispensed by the proposed pharmacy would be limited and we would question the viability of the pharmacy. The average number of items per person per year in Scotland is 19. That figure has been taken from the 2019 dispensing data where 103.4 million items were dispensed to a national population of 5,45 million people. If you take the population to be 1,790 that would equate to an approximate number of 650 prescription items per week. Windygates is not a particularly deprived area, nor does it have a large proportion of elderly and GPs are outwith the neighbourhood. The population is mobile and the majority rate their health is good or very good.

Furthermore, patients that have their prescriptions regularly are likely to have a pharmacy of choice, perhaps a pharmacy they are loyal to at a location that is convenient to them. The number of items the pharmacy is likely to dispense would be considerably less than the figure I quoted of 650. Bearing in mind the Applicant proposes to open the pharmacy for 59 hours a week, which will require a pharmacist to be present and at least one pharmacy support staff. I believe the pharmacy could not be viable based on those numbers of prescription items and services and the costs that they would incur. Therefore I would suggest that the Applicant would have to go outwith the area in order to make his pharmacy viable. If the volume of business drops by 30% in Lloyds in Kennoway, this may affect the viability of that pharmacy.

It's worth noting that only 141 people responded to the CAR. 102 responded to say the application was required, and not all that responded supported the application. 25% of respondents said either they didn't know or didn't respond. Mr Jamieson quoted a few of the comments from those who did not support the new application in the CAR.

The existing Pharmaceutical Services into the neighbourhood are adequate and that the proposed pharmacy is neither necessary nor desirable to secure the provision of Pharmaceutical Services in the neighbourhood in question. Thank you.

INTERESTED PARTIES QUESTION MR JAMIESON

07/21.30 The Applicant (Mr R) questioned Mr Jamieson (Mr J)

Mr R asked if Boots only delivered to the housebound.

Mr J replied that they have no criteria for delivery in Scotland.

Mr R asked if he would be surprised that Mr R had been told differently by some of his staff members.

Mr J said he would be.

Mr R asked him how many deliveries he did to Windygates roughly between the three pharmacies in the Levenmouth area?

Mr J did not have that information with him.

Mr R stated Boots could withdraw their delivery service at any time as it was not an NHS service.

Mr J said they could do, but they had no intention to withdraw and commercially that would be an unviable decision for a pharmacy to make.

Mr R stated that he was told by one of Boots' staff members that their delivery charge would be reinstated at some time in the future and asked Mr J to comment as to when that would be.

Mr J said they have no intention to reinstate a charge for their delivery service in Scotland.

Mr R asked if he would you consider it reasonable for someone from Windygates to walk to any of Boots pharmacies?

Mr J replied no, definitely not.

Mr R asked, for someone who did not drive and wanted to use public transport, how would they access Boots pharmacy in Buckhaven for instance.

Mr J was not sure but he would imagine they would use the easiest pharmacy they were able to access.

Mr R asked if it would it be easier to access a pharmacy if there was one in Windygates then.

Mr J agreed it would be easier but it did not mean that it met the Legal Test which the Panel had to consider. Mr R had to prove there was an inadequacy of Pharmaceutical Services into Windygates and he did not believe he had done that.

07/21.31 Councillor Alexander (CA) questioned Mr Jamieson (Mr J)

CA asked why Mr J was ignoring the view of the Community Council when all 11 members supported the application for a new pharmacy.

Mr J thought that if you ask any community if they want a pharmacy, they would say yes however the decision for the Panel to make is whether there is an inadequacy in the Pharmaceutical Services provided to the residents of Windygates, which is a different question to the Community Council providing support.

CA told Mr J that he would think the Community Council would know about the inadequacy of services. There have been negative comments made so he would argue that if the whole of the Community Council of the village were unanimous, that would mean something.

Mr J accepted the point CA was making but it went back to the Legal Test for the application to be granted and with all due respect that was not part of the Legal Test.

07/21.32 Mr Arnott (Mr A) questioned Mr Jamieson (Mr J)

Mr A asked if Mr J if he had ever attended a PPC where there was no local support from the Councillor.

Mr J replied only once.

Mr A asked if there was a need for a pharmacy to open 59 hours per week, and in his opinion, would it be viable.

Mr J could not see the need for it based on the population size and he could not see how it could be viable looking at the figures, the number of prescriptions and the costs.

Mr A asked if any of Mr J's pharmacies were to lose 30% of their business, did he think it would affect their viability.

Mr J confirmed, definitely 100%, especially due to the significant increase in locum costs this year.

07/21.33 Mr Freeland had no questions for Mr Jamieson

07/21.34 Mr Timlin had no questions for Mr Jamieson

COMMITTEE MEMBERS QUESTION MR JAMIESON

07/21.35 Ms Auld had no questions for Mr Jamieson.

07/21.36 Mr Hannan had no questions for Mr Jamieson.

07/21.37 Mr Jack questioned Mr Jamieson (Mr J)

Mr Jack mentioned that current provisions meets the access needs of the vast percentage of the population. He asked Mr J what he would consider to be an acceptable percentage of access needs to be met.

Mr J did not understand the question. He said what he mentioned, in terms of access was that many of the existing pharmacies were located near a GP Surgery where patients would go to access their shopping. He had spoken about car ownership in Windygates being high and the irregularity of public transport. He had said that there was no evidence that patients were facing difficulties when accessing Pharmaceutical Services.

He was asked if non-one in the Windygates area was having problems accessing services.

Mr J replied that they have deliveries.

Mr Jack said he expected Mr J to say that the deliveries covered the problems with accessing services, so asked if they did.

Mr J confirmed that deliveries would be available to anyone who could not go by foot,

car or public transport.

07/21.38 Mr Kelly (Mr K) questioned Mr Jamieson (Mr J)

Mr K asked if Mr J if he was aware of any situations where a new pharmacy contract had been awarded by the Health Board and it had led directly to the closure of another pharmacy.

Mr J was not but noted that locum costs have increased significantly in the last six months.

On the basis of that, he was asked if Boots had any voluntary closures due to not being viable.

Mr J was not aware of any in Scotland but they had in England

Mr K asked if Boots, Port Street in Stirling had closed.

Mr J replied that it could well have as he had only recently taken over this role, so he was uncertain about historical closures.

Mr K asked what Mr J would classify as adequacy of pharmacy services.

Mr J said that when the residents have access to Pharmaceutical Services.

Mr K asked if Boots have a complaints log. This was confirmed.

Mr J was asked if he was aware of any formal complaints in the last 24 months about Boots pharmacies regarding a poor service.

Mr J was not aware of any complaints that have been escalated to the Health Board regarding their three pharmacies in the area.

Mr K asked if he thought that if a pharmacy was open on a Sunday, people were likely to use it because it was open.

Mr J said they might do.

Mr K asked if this new contract was granted where did Mr J think the prescriptions were going to come from.

Mr J imagined they would be from the residents of Windygates, but he did not think there would be enough to make the pharmacy viable from the population of Windygates. He thought they would need to come from outwith the defined neighbourhood.

07/21.39 The Chair had no questions for Mr Jamieson.

07/21.40 Mr Timlin spoke to his presentation

Is the pharmaceutical service to the neighbourhood inadequate, is the question we need to ask. A neighbourhood is an area where people go about their daily lifestyle. In the Scottish consensus data, Windygates and Kennoway are combined as one entity, it's a total population of 6,450. On further investigation, 1,790 residents live in Windygates

and that population hasn't changed in about 10 years. Windygates and Kennoway are separated by the burn. The two villages are no longer separated by a large number of fields or a dual carriageway or a railway line, they are separated by a three feet wide burn. There are houses on each side and these houses are less than 20 metres apart. These people are neighbours. In Leven there are three burns which run through the town but it doesn't separate the town of Leven. Directly at that burn there is a restaurant and a bar and I have no doubt residents of Windygates and Kennoway will use both of these services. By definition a neighbour is a person who lives next door to or near you. People on both sides of that burn will class themselves as neighbours, the only difference is one is Windygates and one is Kennoway. Therefore there is an argument to say that they are one of the same neighbourhood. When you look at the distribution of services, it's vast in the Kennoway area compared to Windygates, however the Applicant has defined the neighbourhood as Windygates alone.

The residents on the Windygates side of the burn are only 0.7 miles away from Lloyds Pharmacy in Kennoway. Fallarch Road is at the start of the houses and is 0.9 miles from Lloyds in Kennoway and Fernhill drive which is in the centre of the village is 1.2 miles from Lloyds in Kennoway. That means that half of the population is less than one mile away from their nearest pharmacy. Looking at the service, around the Applicant's neighbourhood, there are eight pharmacies within 2.2 miles. Omnicare in Methil is 1.4 miles away, Boots in Buckhaven, Well in Methil, Boots in Methil and the three in Leven are about 2.1 to 2.2 miles away. These three pharmacies provide a total of 350 hours of opening a week.

A large number of residents are registered with the GP Practices in Leven. They use the shop and the pharmacies in Leven and also dentists and opticians. They go about their daily lifestyle outwith their village and are used to leaving to access services.

The average for each pharmacy across Scotland is a population of 4,123, in this location of Levenmouth it's 3,741. Therefore, there are more pharmacies for this population in Levenmouth, again I don't think it's inadequate.

Windygates is a mobile community where there are few shops, few services and almost every resident will travel outwith the village to access services, so whether Windygates is the neighbourhood or it's wider, these people access practically all their services outwith their own neighbourhood. You would think that this would affect the housebound but they will get deliveries no matter whether there is a new pharmacy or not in Windygates. Car ownership is 85%. Windygates is not in the lower social demographics. Journey time to access Pharmaceutical Services by car is three minutes to Kennoway and an average of five minutes to other areas, where there is easy access to parking outside these pharmacies. I don't think that is inadequate. For those who don't have a car they have access to a bus every hour. For a population of 1,790, who have chosen to live in a rural village, I don't think an hourly bus service is that bad. The bus can take them to the nearest pharmacy, allow them half an hour in the pharmacy, then home again within 55 minutes.

For those that are housebound or have a situation that they need support with they can pick up the phone as all the pharmacies are offering delivery services free of charge.

The granting of a new application is not based on convenience, the Panel must make its decision on the Legal Test and again I don't think the current neighbourhood has an inadequate service.

Kennoway Medical Practice has 3,331 patients registered which is only 60% of the population between Kennoway and Windygates. When the CAR was sent out it was to cover the population of Kennoway and Windygates. The patients will continue to leave Windygates to access other services. They could choose to register with practices near them but they choose to travel to practices in Leven, Methil and so on, as they have a choice. 40% of the population choose to use GP Surgeries that are not close to them.

The population in Windygates is 1,790 which is about 700 households. 65% of the Windygates population have no long term health conditions, 85% have cars, which could equate to 100 houses that don't have a car. Lloyds in Kennoway, 0.7 miles away, with another pharmacy just over a mile away, and another six pharmacies within 2.2 miles. There is a regular bus service and free delivery service provided by all of the eight pharmacies.

With regards viability, to open a pharmacy for 59 hours, with the current hourly rate we need to pay pharmacists and locums, I doubt this position is viable with a population of 1,790, therefore the Applicant would need to go outwith the neighbourhood to try and take more business.

This fails the Legal Test, the current Pharmaceutical Services are adequate to the neighbourhood. Thank you.

INTERESTED PARTIES QUESTION MR TIMLIN

07/21.41 The Applicant (Mr R) questioned Mr Timlin (Mr T)

Mr R asked Mr T how many deliveries he did to Windygates on a weekly basis.

Mr T thought it was about 20 but not many.

Mr R asked Mr T if he agreed that it is not a core NHS service and he could withdraw at any time.

Mr T agreed.

Mr R asked Mr T if he would expect anyone from Windygates to walk to Leven Pharmacy.

Mr T said no.

Mr R asked if he heard Mr T right when he said that the distance from Windygates to Leven was 0.7 miles.

Mr T agreed, he had said it was 0.7 miles from Windygates to where Leven starts.

07/21.42 Mr Arnott (Mr A) questioned Mr Timlin (Mr T)

Mr A asked Mr T if he thought a pharmacy open 59 hours for a population of around 1,800 is needed.

Mr T said absolutely not, it was not a viable business.

Mr A asked, if any of Mr T's pharmacies were in danger of losing 30% of their business

would it affect viability.

Mr T replied yes, absolutely.

07/21.43 Mr Freeland had no questions for Mr Timlin.

07/21.44 Mr Jamieson had no questions for Mr Timlin.

COMMITTEE MEMBERS QUESTION MR TIMLIN

07/21.45 Ms Auld (Ms A) questioned Mr Timlin (Mr T)

Ms A said Mr T mentioned in response to another question regarding viability that she did not think the application would be viable and there would need to be something else, did he think therefore there would need to be another reason for submitting an application to open these premises.

Mr T replied that he had done some research on the Applicant's current businesses and on both his two new contracts he is heavily promoting a delivery service to anyone that wants it within quite a significant area. From experience this would suggest that this is his business model so I would think that is what he would look to do, therefore I think that would put further pressure on the existing pharmacies. So yes he would need to look at other avenues to make the business viable.

07/21.46 Mr Hannan had no questions for Mr Timlin.

07/21.47 Mr Jack had no questions for Mr Timlin.

07/21.48 Mr Kelly (Mr K) questioned Mr Timlin (Mr T)

Mr K noted Mr T mentioned that the neighbourhood was adequately served by the eight other pharmacies, so was he inter changingly using the neighbourhood as we understand it in the Legal Test with the catchment area of the eight other pharmacies, or had he picked this up wrong.

Mr T said he was using it as in the Applicant's definition of the neighbourhood of Windygates, there was adequate provision of Pharmaceutical Services.

Mr T was asked if he was aware of any pharmacies that had closed because a new pharmacy contract has been awarded.

Mr T did not know of any.

Mr K asked Mr T if his understanding of adequacy related to the Legal Test.

He responded that adequacy for him would mean that the current pharmacy contractual service as agreed by NHS Fife and complying with those opening hours are sufficient to provide for that population.

07/21.49 The Chair (Ch) questioned Mr Timlin (Mr T)

Ch asked Mr T if he would say that face to face service contact with a pharmacist allowed for a fuller range of pharmacy service provision which is better for a patient.

Mr T replied that during Covid, people were advised not to leave their houses, so pharmacy and GPs have had to adapt and speed up the use of IT and so on, so as for the range of services he advised that he had provided all his different services over the telephone by asking patients the same questions they would ask if they saw them face to face, and making a professional judgement if they believed that it was the right thing to do for the patient.

08/21

INTERESTED PARTIES SUMMING UP

08/21.1 Councillor Alexander

I am less interested in the financial side of things. Windygates is a tiny little village with only 1,800 people or so that if a pharmacy contract was awarded, mayhem would ensue throughout the whole network. We have already heard that the awarding of a new pharmacy has not resulted in the closure of a pharmacy elsewhere so I think we need to take the repetition of the dire financial situation with a pinch of salt. In terms of adequacy, residents in Windygates have expressed inadequacy. No one has mentioned the letter from the Community Council, where 11 members who know the area made it perfectly clear that the service is inadequate. This wasn't good enough and was undermined. The situation with Lloyds has not been resolved, it is a lot worse than you have been led to believe, I would not write to the Health Board after multiple complaints if it was simply a few closures. There were even people complaining back in 2018. I wrote to the Health Board in July this year, but everyone seems to think this isn't quite right, but it is. It may be an adequate service but it's just not good enough. This is one of the reasons Windygates should have the protection of its own pharmacy.

There is an allocation site called the Temple that will have 70 to 80 houses built but we are waiting on the developer submitting his application. It's worth noting that what you have seen regarding the Fife Council's Development Plan, is now under review as the Scottish Government have put forward a new Plan and the numbers are changing. Windygates and Leven are going to expand, primarily not only due to the fact there will be more houses but because of the rail link. The Windygates pharmacy that closed was nearer 40 years not 20. Windygates was half the size then of what it is now.

08/21.2 Mr Arnott, Lloyds Pharmacy

I would like to add that the services in Lloyds Pharmacy in Kennoway are nowhere as bad as they have been. The relationship with the GPs in Kennoway Surgery is excellent. I think the Councillor's complaint is more in support of the Windygates pharmacy than what is actually happening. The Scottish index and multiple deprivation figures show that Windygates is a fairly affluent neighbourhood where everyone for the most part is in generally good health. There is high car ownership, compared to the Scottish average, and convenience is not a reason for granting a contract. I am not exaggerating when I say losing 30% of a business can have a devastating effect on Lloyds Pharmacy in Kennoway. Costs are up 40% in locum cover. The APC do not support this application. The FPCSP states there is no need for a new pharmacy as current services are adequate. I would therefore ask the Panel to refuse this application as it is neither necessary nor desirable in order to secure the adequate provision of Pharmaceutical Services in the neighbourhood in which the premises will be located.

08/21.3 Mr Freeland, Omnicare Pharmacy

The defined neighbourhood is not a neighbourhood for all purposes. Patients have the choice of eight pharmacies within close, easy access where residents will also visit their GP or go about their day to day business. It is a mobile population with a high car ownership. The population is in generally good health and they are happy to use services outwith their neighbourhood, otherwise you would have seen a lot better response to the CAR. The local pharmacies work hard to improve pharmacy services to the population, which strongly suggest that services to the neighbourhood are adequate and the application should not be granted as it is neither necessary nor desirable.

08/21.4 Mr Jamieson, Boots Pharmacy

There are a number of existing pharmacies that service the residents of Windygates providing a range of core, national and local negotiated services and on top of this all the pharmacies provide delivery services to Windygates, therefore providing adequate Pharmaceutical Services to the neighbourhood. The population of Windygates have a high car ownership, general good health and do not experience significant levels of deprivation. The FPSCP does not identify a gap or deficiency in the Windygates area and I do not believe a new pharmacy business in Windygates would be viable therefore the Applicant, if successful, would need to go outwith the neighbourhood to make it viable. I submit that the existing pharmacy provision is adequate and that the proposed pharmacy is neither necessary nor desirable to secure the provision of Pharmaceutical Services to the neighbourhood in question.

08/21.5 Mr Timlin, Leven Pharmacy

The only fact is convenience, we need to make sure that we differentiate between convenience and adequacy so for me a lot of arguments are about convenience as most, people would like a pharmacy close to where they live but that's not a question for the Legal Test.

09/21 APPLICANT SUMMING UP

It is clear that the residents of Windygates face major barriers in accessing pharmacy services which I think make the existing Pharmaceutical Services inadequate. We've heard a lot of talk about viability, which I do not think is an issue for the proposed pharmacy, given that we have a business plan in place and that we already operate a pharmacy which opens on a Sunday, also I don't think the viability of the nearest pharmacy is an issue, given that the spread of current pharmacy network, as already mentioned, is quite wide, i.e. not everyone in Windygates will use Lloyds in Kennoway. There is a real mix of pharmacies that people are using so this will not affect any one pharmacy. Evidence of inadequacy is demonstrated by the CAR and I think a new pharmacy would go a long way to solving this, and I think it is both necessary and desirable to this neighbourhood therefore I would respectfully ask the Panel to grant the application.

10/21 NOTIFICATION OF OUTCOME

10/21.1 The Chair asked all those present whether or not they felt they had had a fair hearing,

they all confirmed that they had.

- 10/21.2 The Chair thanked the Applicant and the interested parties for their attendance and before asking them to leave advised them that the decision would be notified to them in accordance with the timescales laid down in paragraph 1, Schedule 3 of the Regulations.

THE APPLICANT, INTERESTED PARTIES AND PRIMARY CARE MANAGER WITHDREW FROM THE HEARING.

- 11/21** In accordance with the Legal Test, the Committee considered whether existing provision of Pharmaceutical Services in the neighbourhood was adequate. If it decides that such a provision is adequate, that is the end of the matter and the Application must fail.

In considering the Application the Committee took account of all relevant factors concerning neighbourhood, the CAR, the PCSR, the written and oral evidence and adequacy of existing Pharmaceutical Services in the neighbourhood in which the proposed premises would be located, in terms of regulation 5(10).

It also took account of all information available to it which was relevant to the Application

- 11/21.1 The PPC were required and did take into account all relevant factors concerning the issue of:-**

- a) Neighbourhood
- b) Adequacy of existing Pharmaceutical Services in the neighbourhood and, in particular, whether the provision of Pharmaceutical Services at the premises named in the Application were necessary or desirable in order to secure adequate provision of Pharmaceutical Services in the neighbourhood in which the premises were located.

Proposed premises

The location for the proposed pharmacy is Windygates General Store, Milton Road, Windygates, KY8 5DF.

- 11/21.2 Neighbourhood**

Having considered the evidence presented to it by the Applicant, the interested parties, the Consultation Analysis Report and NHS Fife's Pharmaceutical Services Report the PPC had to decide firstly the question of the neighbourhood in which the premises to which the application related were located.

When seeking to define the neighbourhood the Committee considered a number of factors:-

- Evidence supporting the applicants defined neighbourhood was identified in the CAR, question 1 – Do you think the area identified by Windygates pharmacy describes the neighbourhood where the proposed pharmacy is situated? 125 respondents out of 141 responses agreed.

- The Area Pharmaceutical Committee agreed with the proposed neighbourhood as defined by the applicant
- With exception of one, the interested parties accepted the applicant's proposed neighbourhood.

The neighbourhood was agreed as the whole of Windygates as follows: North – Markinch Burn/East – Kennoway Burn travelling down the A915 to where it meets the River Leven/South – River Leven/West – River Leven at the nearest point to Milton Road travelling North in a straight line to where it meets Markinch Burn.

11/21.3 **Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability**

Having reached a conclusion as to the defined neighbourhood, the Committee was then required to consider the adequacy of Pharmaceutical Services within or 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 defined neighbourhood.

In order to assist the Committee in reaching their decision, they took into account the following:-

11/21.4 **Consultation Analysis Report**

The Committee considered and noted the content of the CAR. In particular the following point was taken into account:

Question 4 – Do you think there are gaps/deficiencies in the existing provision of pharmaceutical service in the neighbourhood – 116 out of 141 respondents said yes.

11/21.5 **NHS Fife's Pharmaceutical Services Report 2019-20**

It was noted that the FPSR did not identify any gaps in service in the Windygates area. The report had stated that services were well distributed across the [Fife] region and met the access needs of the vast majority of the population. Therefore the report concluded there was no unmet need for new community pharmacies across Fife.

11/21.6 **Pharmaceutical Services already provided in the neighbourhood of the premises named in the application by persons whose names are included in a pharmaceutical list**

Current Pharmaceutical Services provided in or to the neighbourhood were considered (evidenced by the CAR, contracted Pharmacy representatives and the Applicant).

It was noted that a prescription delivery service was available from neighbouring pharmacies into the area – though these numbers are limited. The Committee noted that this does not form part of the legal test. Evidenced from IP representations.

There was discussion whether the provision of a collection and delivery service demonstrates adequate provision of a pharmaceutical service in the neighbourhood. The

Committee agreed that face to face contact with a pharmacist allows for delivery of a fuller range of pharmacy services and was much better for the patient than the current delivery option.

Representations from existing neighbourhood pharmacy contractors were considered and responses to relevant questions asked during the hearing were taken into account by the Committee.

Both the Committee's APC nominees (contractor and non-contractor) agreed, that in their opinion, the current Pharmaceutical Services provided to the neighbourhood were adequate as the existing pharmacies have sufficient capacity for the area.

11/21.7 Information available to the Board which, in its opinion, is relevant to consideration of the application

Kennoway GP letter of concern regarding Lloyds Pharmacy in Kennoway. The GP felt the pharmacy did not have any commitment to pharmacy services and initiatives such as minor ailments or serial prescribing

Letters from Fife NHS Addictions Service highlighted concerns around accessing Pharmaceutical Services in the neighbourhood and the impact on the service user even though these were personal opinions and not those of NHS Fife.

Letter and representation from Councillor David Alexander highlighted concerns raised by local residents in relation to accessing Pharmaceutical Services due to Lloyd's Pharmacy in Kennoway closing on short or no notice and prescription items not being in stock, thus making a return visit necessary which can be problematic due to transport issues (hourly service).

It was noted Councillor Alexander had written to Fife Health Board to highlight these continual issues raised by the residents of the neighbourhood.

The Community Council views supporting the application was taken into consideration as well as the Pharmaceutical Care Service Report 2018/19.

Access to additional Pharmaceutical Services as defined in the application and which would be of benefit to residents in the neighbourhood can currently be accessed outwith the neighbourhood. There were many challenges and issues with accessibility as detailed below.

Transport, as highlighted in both the applicant's and Councillor Alexander's representations is an issue with the bus service only being hourly on various routes to neighbouring pharmacies. There was also a concern about cost (for those who pay). The mobility of the population and increasing number of elderly was considered. Accessing public transport when unwell would be an issue. It is also an issue for frail individuals. The path from the neighbourhood to the nearest pharmacy in Kennoway (1.2 miles away) was deemed as steep and at times unsafe and inaccessible due to parking on pavement. The neighbourhood has been cut off due to bad weather at times.

Although car ownership is high in the neighbourhood (80% of households) consideration should be given to residents driving when unwell, as well as impact on the environment and fuel costs, especially if they have to make two trips as described in the

representation from Councillor Alexander. This was also supported by the CAR.

The size of the proposed neighbourhood's population of 1800 plus and their needs regarding Pharmaceutical Services were also taken into account. The Committee also noted that neighbouring villages of Fife with smaller populations had a pharmacy in the neighbourhood. This was further evidenced by Councillor Alexander's presentation.

11/21.8 The likely long-term sustainability of the Pharmaceutical Services to be provided by the Applicant

The Committee considered the number of estimated prescribed items that would be required within a year for the proposed pharmacy to be viable. Evidence from NHS contractor monthly prescribed item list was considered.

Both APC nominees advised that they did not believe there would be enough prescription items generated by Windygate residents to make a pharmacy viable.

They also indicated that should the Lloyds Pharmacy in Kennoway lose 20-30% of their current prescription items that this could affect the viability of the existing pharmacy network.

The Committee took cognizance of the comments in the CAR and made by Councillor Alexander on the issues of recruiting pharmacist's difficulties being experienced by Lloyds Pharmacy in Kennoway. The applicant assured the Committee he had a sustainable business plan in relation to recruitment.

The Fife Council local development plan highlighted possible future housing developments as well as industrial estates in the neighbouring areas. This could result in an increase of population and the demand for services in the area which would support the sustainability of existing services including contracted pharmacies. The new rail link could have a beneficial and positive impact on the neighbourhood of Windygate through tourism and attracting new residents to the town.

12/21 IN ACCORDANCE WITH THE STATUTORY PROCEDURE THE PHARMACIST CONTRACTOR MEMBERS OF THE COMMITTEE AND THE NOTETAKERS WITHDREW FROM THE MEETING DURING THE DECISION MAKING PROCESS

13/21 COMMITTEE VOTE AND DECISION

For the reasons set out above it was the view of the Committee that the provision of Pharmaceutical Service to the neighbourhood was inadequate and therefore went on to consider necessity and desirability

The Committee agreed that the new pharmacy was both necessary and desirable. It was considered necessary to ensure that the residents could be confident that the Pharmaceutical Services would be available at a pharmacy when required. It was deemed desirable in order to provide adequate Pharmaceutical Services within the neighbourhood.

14/21 ATTENDEES RETURN TO HEARING FOR DECISION

The Committee agreed that the attendees would be notified of the decision by telephone.

ADDITIONAL INFORMATION

The PPC Committee found it increasingly challenging having to make decisions based partly on a CAR dated 2018. However it was noted that the Interim Chair of The NAP had advised there was no requirement to carry out a further public consultation and that the original CAR would suffice.

Original correspondence and follow up correspondence of support were provided from the applicant Appendix 1 (email from NHS Fife's addiction service, a letter from local GP, Wok Inn Chinese takeaway). These letters formed part of the original application and the Chair decided that they should be considered and weighted accordingly.

Other original documentation was also considered and weighted accordingly – the Area Pharmaceutical Committee's view and correspondence from NHS Fife's Director of Pharmacy.

The Covid pandemic formed part of the committee's discussion on the day. However, the Chair reminded the committee and voting members that they would be considering the position as it was at the time of the original application and therefore cannot be taken into account.

Hearing Closed.