Minutes of the meeting of the NHS Forth Valley Pharmacy Practices Committee (PPC) held on Tuesday 9th July at 12 noon in the Board Room, Carseview House, Castle Business Park, Stirling FK9 4SW.

Committee:	John Stuart	Chair
	Claire Colligan	Non-Contractor Pharmacist Member
	Arif Hanif	Contractor Pharmacist Member
	Martin Kenny	Lay Member
	Sheila McGhee	Lay Member
Secretariat:	Allison Grant	NHS Forth Valley Administration

Reconvening of PPC to approach its consideration of adequacy squarely in terms of the legal test in line with the Decision of the Chair of the National Appeal Panel In application relating to Unit 6, Kinnaird Village, McIntyre Avenue, Larbert, FK5 4XT

1. **Application by Web Pharmacy and Appeal**

   1.1 There was an application and supporting documents submitted from WEB Pharmacy, received by Forth Valley Health Board on 2nd December 2021, for inclusion in the pharmaceutical list of a new pharmacy at Unit 6, Kinnaird Village, McIntyre Avenue, Larbert, FK5 4XT.

   1.2 The initial PPC was held at NHS Forth Valley HQ, Board Room, Carseview House, Castle Business Park, Stirling, FK9 4SW on 22nd September 2022. The PPC approved the application for the new pharmacy's inclusion on the pharmaceutical list.

   1.3 Appeals were submitted to the National Appeals Panel by two appellants on 31st October 2022 and 1st November 2022.

   1.4 The Chair of the National Appeals Panel upheld one ground of appeal

   1.5 The PPC has reconvened at the point from which the discussions around the appeal aspect are considered which solely involves the committee.

   1.6 The PPC has reconvened to consider whether current pharmaceutical services in the defined area are inadequate and whether this application is necessary or desirable to secure adequate provision**.**

2. **Supporting Documentation**

   2.1 Consultation Analysis Report (CAR)

   2.2 National Appeal Panel Decision

   2.3 Pharmaceutical Services Plan

   2.4 Services provided within the area

3. Welcome and Interests

3.1   The Chair welcomed all to the meeting and introductions were made. When asked by the Chair, members confirmed that all papers had been received and considered. When committee members were asked by the Chair in turn to declare any interests in the application, none were declared.

3.2   Having ascertained that there were no conflicts of interest or questions from Committee Members the Chair confirmed that the meeting would be conducted in accordance with the notes contained within the papers circulated.

4 Clarification of Legal Test

4.1   The Chair clarified that this meeting is to discuss the test of adequacy and whether the present services are inadequate and if so, whether the application is necessary or desirable to secure adequate provision. There is a need to balance out the consultation analysis report (CAR), the pharmaceutical services plan prepared by the board, the long-term sustainability of services to be provided by the applicant, any impact on sustainability of any other services in the area, and any other relevant information to the board.

The committee discussed that whilst there has been a passage of time since the previous application, there have not been any significant changes such that an entire new application would be necessary, in particular as the provision of services in the defined area remains inadequate. It was acknowledged that some pharmacies in the wider area had changed ownership, however the service level in the wider area remained similar to when the application was originally reviewed.

The committee also noted that the 20 minute neighbourhood was too heavily relied on in their previous decision. On reconsidering the decision the aspects that inform the decision are being reviewed squarely in terms of adequacy.

In considering adequacy the panel discussed that travelling 1 mile to another pharmacy may mean that the provision of services is adequate, however this was balanced against the fact that travelling one mile can mean something different for ranging circumstances, and indeed that the pathway in question is off road in some parts which can present a challenge to a number of people requiring the services. It was also established that the public transport links to the other pharmacies were not adequate. The CAR provides a range of information which paints a picture of inadequacy of services by the respondents to the CAR which were also discussed by the committee.

The committee also acknowledged that there is continual population growth in the defined area of Kinnaird with continued house building, as was also true at the time of the original PPC hearing.

The committee acknowledged that the convenience of services is different to whether the services were adequate or inadequate. It was emphasised that the test should be applied squarely in terms of adequacy and that this is binary and should not be assessed on a sliding scale. To that end the committee agreed that in considering the documentation provided and discussions around what constitutes adequacy, that the services to people in the area are inadequate.

Given that the services are inadequate there is not likely to be any sustainability implications on the business or the other services in the area.

Mr Harif and Ms Colligan left the room to allow the panel to deliberate

5 Deliberations

5.1 The Chair directed the panel that they had to vote based on the binary issue of whether the services in the defined area are adequate or inadequate.

5.2 Based on the discussions and the documentation provided the panel unanimously voted to uphold their decision to grant the application agreeing that it was necessary and desirable in order to secure the adequate provision of pharmaceutical services within the neighbourhood in which the premises were located by persons whose names were included in the pharmaceutical list, and accordingly the application was granted. The decision was made subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.

Signed:

John Stuart.

John Stuart

Chair Pharmacy Practices Committee.

Date: 10 July 2024