

REPORT FROM AN ORAL HEARING HELD ON 11 JANUARY 2010 AT BEVAN HOUSE, GREAT PARK, NEWCASTLE IN CONNECTION WITH:

AN APPEAL AGAINST NORTHUMBERLAND PCT'S DECISION TO GRANT AN APPLICATION BY MR. A. KABIR FOR PRELIMINARY CONSENT PRIOR TO INCLUSION IN THE PHARMACEUTICAL LIST AT THE SHOPPING AREA, ABBEY MEADOWS, MORPETH
REF: SHA/15356

and

AN APPEAL AGAINST THE PCT'S DECISION TO GRANT AN APPLICATION BY LHG MEDICAL SERVICES LTD. FOR PRELIMINARY CONSENT PRIOR TO INCLUSION IN THE PHARMACEUTICAL LIST AT MORPETH COTTAGE HOSPITAL, SOUTH ROAD, MORPETH NE61 2BT
REF: SHA/15357

1 Background

- 1.1 By application dated 20 February 2009, Mr. Amir Kabir ("Mr. Kabir") applied to Northumberland Primary Care Trust ("the PCT") for preliminary consent prior to inclusion in the pharmaceutical list at the Shopping Area, Abbey Meadows, Morpeth. The application is in the bundle at pages 1 to 21.
- 1.2 By application dated 14 April 2009, LHG Medical Services Ltd ("LHG") applied to the PCT for preliminary consent prior to inclusion in the pharmaceutical list at Morpeth Cottage Hospital, South Road, Morpeth NE61 2BT. The application and accompanying documentation is at pages 40 to 79 of the bundle.
- 1.3 The PCT considered the applications together under the provisions of Regulation 24(7) of the NHS (Pharmaceutical Services) Regulations 2005 (as amended) ("the Regulations") and decided to grant both applications. The decision letter from North East Family Health Services Agency (on behalf of the PCT) dated 14 August 2009 is between pages 106 and 110 of the bundle. The Agency report in respect of Mr. Kabir's application is at pages 38 and 39 of the bundle. The Agency's report in respect of the LHG application is at pages 95 to 96 of the bundle. The PCT's joint consideration document is at pages 101 and 102 and the Minutes at pages 103 and 105.
- 1.4 In a letter to the Family Health Services Appeal Unit of the NHS Litigation Authority ("the Appeal Unit"), dated 8 September 2009, Boots UK Ltd appealed against the PCT's decision. The grounds of appeal are contained at pages 114 to 117 of the bundle.

2 Preliminary Consideration

- 2.1 The Pharmacy Appeals Committee appointed by the Family Health Services Appeal Unit of the NHS Litigation Authority, ("the Committee") had before it the papers considered by the PCT, together with a plan of the area showing existing pharmacies, doctors' surgeries and the site of the proposed pharmacies. It also had before it the responses to the Authority's own statutory consultations.
- 2.2 On the basis of this information, the Committee considered it was necessary to hold an Oral Hearing, before determining the appeal. The Committee requested the Oral Hearing Panel to recommend with reasons, the neighbourhood for the applications and whether or not there should be one or more grants to ensure in accordance with the regulations, the adequate provision of pharmaceutical services in the neighbourhood(s) as defined.
- 2.3 The Panel was appointed and sat at Bevan House, Great Park, Newcastle on 11 January 2010. A list of those present is at Appendix 1. On the morning of the

hearing, it conducted a site visit. Its findings are set out below. It collected a number of practice leaflets which are aside at Appendix 2.

3 The Site Visit

- 3.1 The premises proposed by Mr. Kabir are said to be at the shopping area at Abbey Meadows, Morpeth. This is the retail focus for the residential area in the south west quadrant of Morpeth. The parade comprises 2 fast food take-aways, a laundrette, convenience store, hairdresser, newsagent, butcher, café (which was closed at the time of the visit) and the Wansbeck Public House. Across the road is what appeared to be sheltered housing and nearby a large primary school. The houses in that area are a mixture of private and social housing of varying styles and ages but on the whole of a modest size. One access to the town centre of Morpeth is via a steep hill which runs alongside Carlisle Park to a bridge over the River Wansbeck. Despite the gradient a few people were seen walking up and down it with shopping bags. A handrail separated the path from the carriageway. The other vehicular route is via St. Mary's Field to join the main A197 between The Sun Inn and St. Mary the Virgin's Church. The Panel thought there would also be walking routes via Carlisle Park and the pedestrian footbridge which crosses the River Wansbeck near the leisure centre.
- 3.2 The premises proposed by LHG are at the Cottage Hospital which lies to the east of A197 which is the main road into Morpeth from the A1. The Gas House Lane Surgery is located within the hospital and shares its entrance with it. A notice within the surgery waiting area apologises for the shortage of parking and explains a planning application had been submitted for an additional 19 spaces at the front of the hospital itself. There is limited car parking within the site which at the time of the site visit was full with vehicles parking on double yellow lines. Although there are "pay and display" machines at the site, at the time of the visit, they were bagged and not being used.
- 3.3 The hospital site is now shared with the new McArdle Court care development with its own car parking area. The hospital has a slightly dated air. It comprises on the whole, low rise buildings although there is also a three storey block. There is no access from the hospital site to the surrounding residential areas. The Morpeth Golf Club lies to the west of the A197 and opposite the access to the Cottage Hospital.
- 3.4 The A197 drops from the Cottage Hospital to the roundabout where it joins the A192. There are pavements either side of the main road and to the east there is openness as it is bounded by the Arboretum.
- 3.5 There is limited residential development lying to the south of the Cottage Hospital site. County Hall lies to the east of the A197 and takes its access via a mini roundabout. The fire station and other office buildings are also located here. A small residential area lies nearby. There is also a new development of houses between the hospital and County Hall and also further south at Southgate Wood. On the west of the A197 there is also a small enclave of houses built mainly between the wars. It comprises larger semi detached ones in the main.
- 3.6 Morpeth town centre is of some antiquity with an attractive main street. The Sanderson Arcade has recently opened and has a number of high street "names" with a new Marks and Spencers contained within the development. It also gives pedestrian access to a Morrison's supermarket, a Lidl supermarket which has yet to open and a bus station. There are two branches of Boots in the main shopping street, roughly one at each end.
- 3.7 Wellway Pharmacy lies within the same building at Wellway Surgery a short walk from the main shopping centre and opposite St. James the Greater Church. A small branch of Boots is located on Manchester Street directly opposite. Greystoke Surgery and Pharmacy lie on the corner of Kings Avenue. The housing in the vicinity

is older. There is on street parking in the vicinity of both surgeries and both have limited on site car parking.

- 3.8 On the wall of the reception area at the Greystoke Surgery were plans showing the proposed new primary care centre at the Mount. It indicated that it would house Greystoke Medical Group and Gas House Lane Medical Centre and could be open by 2011.
- 3.9 Morpeth has a number of pay and display car parks, the largest being in the vicinity of the Morrisons supermarket but there are also others near the library, leisure centre, St. James the Greater Church as well as free on street parking in the side streets. The car parks appeared to be well used at the time of the site visit. The cost of a number of the car parks was 30 pence for half an hour.
- 3.10 A feature of the town is the River Wansbeck. The main road bridge was built by Telford in 1831. Nearby are the Bagpipe Museum, a Northumbrian Craft Centre and the Tourist Information Centre.
- 3.11 The land rises to the south of the bridge. The railway station lies to the south and the road which gives access to it, continues to the industrial area of the town at Coopies Lane Industrial Estate. One feature of the south east quadrant of Morpeth is the way the areas are dissected by railway lines as can be seen from the map. The Coopies Lane Industrial Estate is separated from the residential area of Stobhillgate by one such line.
- 3.12 Stobhillgate is a large area of social or former social housing. It is here the Boots Pharmacy shown as number 6 on the map is located, across the road from a post office and near a convenience store, St. Andrew's Church, hairdresser, a community shop and a fish and chip shop. A large hoarding near the Stobhill Social Club which lies on Choppington Road indicated that a Major Improvement Programme is underway.
- 3.13 The area to the west of the A192 is much more mixed and comprises both private and social housing. There is a small parade of shops opposite Cheviot Court and the Parish Hall and it comprises a convenience store, three fast food outlets and a hairdresser. The residential area is constrained by the railway line with its high security fencing lying to the west. The Panel were unable to find any way across the railway line by foot. Stub roads off Lindisfarne Lane are separated from the railway by open amenity land.
- 3.14 The 158 bus to Newcastle was seen running up the A197. The bus time table at the new bus station showed a number of services being run to Newcastle by different providers resulting in about a 20 minute service. A community bus was seen dropping off elderly people outside Mr. Kabir's premises on Sunday afternoon and the timetable at the shops referred to 447, 448, 252 and 288 giving a half hourly service to the Kirkhill Estate.
- 3.15 Distances were measured by the car's odometer. From the Gas House Lane Surgery to the Boots store at the eastern end of the High Street was 1 mile via the main A197. The distance between the parking bay outside the shops at Abbey Meadows to the Boots at the west end of the High Street by the tower was 0.6 miles via Schoolgate Bridge.

4 **The Hearing**

Mr. A. Kabir (Applicant)

- 4.1 In addition to the points made in the application and letters which are at pages 28 to 36 and 136 to 141 of the bundle, Mr. Kabir made further comments in oral evidence and in answer to questions. He indicated that although he lives in the south of

England he has worked in the north in the past and trained at Morpeth Hospital. He hopes to return to the north east and run the proposed pharmacy himself.

- 4.2 The boundary of his neighbourhood is as shown on pages 4 and 15. There are a significant number of elderly people living in the neighbourhood and there are two sheltered/residential homes - St. Christopher's near the shops and Renwick is opposite the shops. There are 150 residents in total living there. The local shops are well used. People who live there would think of themselves as residents of Kirkhill. There was a huge outcry when the post office shut. Distance is not an issue but it is the slope which makes the access difficult especially in the inclement weather.
- 4.3 It is proposed to provide pharmaceutical services and employ a nurse who would focus on changing dressings etc. Palliative care will be offered and it is needed at the residential and care homes within the neighbourhood. It is proposed to open 9am to 5pm or maybe 5.30pm and offer a delivery service to the housebound.
- 4.4 Having a pharmacy in the Cottage Hospital would not assist the residents in Kirkhill. Access to it would be via the very busy Sun Inn junction. The doctors run a dispensing practice and most patients are car borne.
- 4.5 The café premises at the end of the parade of shops have become available and any pharmacy can start trading within a few months. Plans were submitted to show the proposed lay out.

LHG Medical Services Ltd (Applicant)

- 4.6 In addition to the points made in the application, supporting documentation and letters which are at pages 86 to 92, 120, 122 to 128, 130 to 134, 142 to 145 and 150 and 151, Mr. Morley, Mr. Foreshaw, Dr. Evans and Mrs. Gutherson made the following additional comments in oral evidence and in answer to questions.
- 4.7 The application was largely drawn up by Mr. Foreshaw. The four shareholders of the body corporate are Drs. Evans, O'Neill, Pearson, Colver and they are also GPs at the Gas House Lane Surgery.
- 4.8 In September 2008 there were torrential downpours in Morpeth and the River Wansbeck burst its banks. The old surgery was near the river and lay in a dip. It was submerged in 5 feet of water. The doctors' priority was to ensure continuity of care. There was space in the Cottage Hospital and within 7 days, the practice was up and running again. There are no plans to go back to the old surgery due to it being in such bad repair and the risk of further flooding. The building would not in any event have been suitable for expansion. Surelines Ltd offered assistance soon after the flooding. In October the practice followed the offer up as there was concern about pharmaceutical services in the light of the move. Surelines Ltd produced a report looking at adequacy of the pharmaceutical services and as a result Mr. Foreshaw drew up the application and it was submitted in April 2009.
- 4.9 It is proposed to site the pharmacy immediately opposite the main entrance to the hospital in an 80 sq. metre unit. The proposal is supported by the Hospital Trust as it would not only benefit the patients of the practice but also those attending outpatients' appointments.
- 4.10 The practice has # patients with # of those being dispensing patients.
- 4.11 LHG would provide pharmaceutical services to all patients of the surgery but also those attending the outpatients departments and others on site.
- 4.12 None of the local pharmacies have approached the surgery to discuss pharmaceutical needs. The practice did ask someone from Boots to come to a

meeting in November 2009 to discuss the problems which can arise with repeat medication which has in fact been stopped.

- 4.13 A ward on the second floor of the Cottage Hospital has been closed and the beds moved to the top floor of the Helen McArdle Care home. The home was built in the grounds of the Cottage Hospital by a private developer and this top floor is rented by the Hospital Trust.
- 4.14 There are a wide range of services at the Cottage Hospital including out-patient services, an x ray department, physiotherapy, district nursing, health visiting, podiatry and a 24 bedded ward. The local hospital in Ashington uses the beds as step down care. Any of the Morpeth GP practices can refer patients to the Cottage Hospital. Doctors from either Newcastle or Ashington provide care for those in the beds. The three practices serve 25,000 patients.
- 4.15 At one time patients attending the Cottage Hospital were issued with FP10s but there has been a change although some patients may still receive FP10s.
- 4.16 The Helen McArdle Home was erected on what was the main car park. Planning permission has been granted for 19 new spaces next to the existing car park. Although there are parking pay and display machines at the site, they are bagged and parking charges have been suspended. The Hospital Trust owns the site and the PCT reimburses the practice for rent. All the staff of the hospital and surgery park at the Cottage Hospital.
- 4.17 Northumbria Hospital Trust has been announcing for a number of years that the Cottage Hospital will be closed at some stage in the future but that stage has not been reached.
- 4.18 The Mount site plans are simply a proposal. The money has not been allocated, the site has not been purchased, and there is no planning permission in place although the application has recently been submitted. There have been attempts in the last 10 years to find an alternative site and they have not come to anything. In September 2009 the practice was presented with these plans with space allocated and there is no intention on the part of the practice to participate. The practice has reservations about the new health centre and it is thought the scheme has been rushed. It is not right at present. The service charge is high at the new site. It is likely the practice will be at the Cottage Hospital for many years.
- 4.19 The neighbourhood should be as defined in green on the attached plan and shows the natural boundary of the railway line to the east, the end of habitation to the south and west and the river to the north. It is not accepted that Morpeth as a whole should be the neighbourhood. Someone living in Stobhill would not consider themselves as a neighbour of someone in Abbey Meadows.
- 4.20 The A192 and A197 are busy roads and there are log jams at the junction. They are also difficult roads to cross.
- 4.21 From the Cottage Hospital to Mr. Kabir's proposed site is just under $\frac{3}{4}$ mile by road. The route taken appeared to be the most direct through the estate.
- 4.22 Following the flood and the move to the Cottage Hospital site a bus service to the surgery at the Cottage Hospital was started to provide transport for patients with mobility problems or those with children and no transport. It runs in the afternoon to coincide with attendance at pre-arranged appointments. It can only pick patients up from home and return them there and not take them into town. The service is paid for by the PCT. Patients come from all over Morpeth to the practice. In addition there are also patients in Stannington and the outlying communities.

- 4.23 Parking in Morpeth is a problem especially in the aftermath of the re-development of Sanderson Arcade. All parking is at a distance from the pharmacies and there is a tiny amount of parking on street. But there is also difficulty getting into the town centre.
- 4.24 County Hall employs about 2,000 people and a pharmacy at the Cottage Hospital would be convenient for them. It would be the intention of LHG to promote the new service within County Hall
- 4.25 The doctors are fully aware of the necessity not to direct scripts and give patients a choice of where scripts are taken.
- 4.26 It is rare for a PCT to direct local pharmacies to open for longer hours to reflect those of local surgeries. Local pharmacies should alter the hours of their own volition to accommodate patients. It is proposed that the LHG pharmacy would open to reflect the surgery hours and also possibly the needs of those attending outpatients. Two days a week there is a surgery at 7am. It would not be proposed to shut at lunchtime.
- 4.27 It may be that on the opening of the pharmacy the practice will give up its dispensing rights but no decision has been made on that but even so the pharmacist will oversee all dispensing. The current dispensary is only 8 sq. metres so the new pharmacy unit would be an improvement.
- 4.28 In August 2008 and before the move to the Cottage Hospital site, the practice handed out a questionnaire in the light of a number of inquiries from patients who asked about dispensing from the site. About 700 people responded saying that they would like to be able to obtain their dispensing on site. This was despite being within 500 yards of the existence of a pharmacy in the town centre.

Boots UK Ltd (Appellant)

- 4.29 In addition to the points made in the representations made to the PCT on the applications at pages 25, 26, 83 and 84, the appeal, and further representations at pages 129, 150 and 151 Mrs. Watson made the following comments in oral evidence and in answer to questions.
- 4.30 The business case for the new medical centre is voluminous and information coming out from the PCT has been that the land will be purchased in 2010.
- 4.31 *A copy of Mrs Watson's presentation was handed in and is at Appendix 2.*
- 4.32 Enquiries from the PCT about the new medical centre indicated that a planning application would be submitted in January/February 2010. The documents suggest the PCT are proposing to purchase the land at The Mount shortly.
- 4.33 The Manchester Street and Clock Tower branches of Boots both actively market the collection and delivery service. No detailed figures are available for the number of deliveries made.

The PCT

- 4.34 Mrs. Gunning answered questions from the Panel and parties as follows.
- 4.35 There are 8 enhanced commissioned services at present. "Plan B" is the current EHC service available from 5 of the 6 services; stop smoking services from 4 of the 6; supervised consumption from all 6; Minor Ailments "Pharmacy First" service from all 6; disposal of sharps available in 3; PGD for supply of paracetamol, and SIP feeds available from all 6; needle exchange from 1 and palliative care from 1. If one or both

applications were granted, it would not necessarily be the case that the PCT would commission all the services from them.

- 4.36 A colleague in Primary Care has confirmed that neither Greystoke surgery nor Gas House Lane surgery has signed any agreement to go into the proposed new building. It is not known in the light of that what the situation would be. The PCT has no power to direct a practice to move. The PCT would expect a pharmacy to be located within the development and has therefore set aside space in the plans.
- 4.37 The PCT Panel agreed that everyone would consider they lived in Morpeth. All the road signs refer to Morpeth.
- 4.38 The current PNA is out of date and was not relied on by the PCT.

5 Consideration

- 5.1 The Panel was mindful of the test as set out in Regulation 12(1) and the matters to which it must have particular regard as set out in Regulation 12(2) of the Regulations. The Regulations were amended in September 2009 but the Panel understood that the Appeal Unit has received legal advice to the effect that as the PCT had made its decision prior to 17 September, the previous regulations should apply and the Panel would therefore consider whether it was necessary or desirable to grant the application(s). The Panel also had to assist it the Guidance issued by the Department of Health, the latest version of which was issued in September 2009.
- 5.2 Although the PCT documentation makes reference to the PNA, it was said that this is out of date and would not assist the Panel.
- 5.3 The Panel firstly considered the issue of neighbourhood. The PCT was of the view that Morpeth as a whole is the neighbourhood. LHG and Mr. Kabir indicated that the area to the south west of the town is a neighbourhood in its own right. The eastern boundary differed slightly. LHG suggested the railway line and Mr. Kabir the A197.
- 5.4 The Panel noted that the area suggested by LHG had the advantage of having clearly delineated boundaries. On the other hand there are limited facilities within the neighbourhood and on looking at the public notices in the local shop windows in Abbey Meadows, all events, such as concerts, talks, slimming clubs etc. take place in premises within the town centre to the north. The only truly local event seen by the Panel was a blood donor session at the Storey Park Community Centre which lies near St. Mary the Virgin's Church. The poster however was on railings in Stobhill and not Kirkhill. Whilst a lack of services in a neighbourhood is not determinative one way or the other it is a factor the Panel looked at.
- 5.5 A look at the map provided shows that the name Stobhillgate appears. No such name appears on the map relating to the suggested neighbourhood. The name Loansdean does appear on the map provided by LHG but it appears to straggle the main railway line.
- 5.6 The Panel noted the changes made to the ward boundaries in 2007. This created the ward of Kirkhill. There was also a reference in the oral evidence to the area of Abbey Meadows and it seemed that this was the more common name given to the area round the shops. Having said that, the bus services refer to those routes to the Kirkhill Estate.
- 5.7 The Panel found it difficult to be dogmatic about its definition of neighbourhood. Morpeth is an old community which has expanded over the years with new residential development on the outskirts of the town. The developments to the south have a limited range of shops which would provide every day needs but these are split on two sites between Abbey Meadows and Stobhillgate and are some distance apart. The type of property roughly to the south of the river is of course very different from

the older buildings in the centre and it is understandable that the areas could be considered to be separate neighbourhoods. The Panel was also mindful however that the local people would probably not differentiate and describe themselves as living anywhere other than Morpeth. Communities as they grow will often have a mixture of buildings and uses within one area but the Panel accepts there comes a point where the town gets to a size where more than one neighbourhood develops. The Panel was of a view in the light of the evidence of the PCT and LPC that Morpeth is one neighbourhood but in any event, the Panel did not think whether one or two or more neighbourhoods were defined, it would not make any material difference to its recommendation given that services from outwith the neighbourhood can be taken into account when considering adequacy. The Panel therefore considered that for the purposes of these applications the neighbourhood should be considered to be the built environment of Morpeth.

- 5.8 Within the neighbourhood as defined there are 6 pharmacies which between them provide all commissioned services over long hours. It has to be said however, that 5 of these are in the town centre or close to it and only one is to the south of the river. This last pharmacy is relatively isolated from the main town centre, being on an estate which might be described as “edge of town” and which is up a hill (the A192) above the town. It is not particularly accessible given the junction of the A192 and A197, which the Panel accepts can become congested.
- 5.9 The Panel was satisfied there is choice within the neighbourhood but that is one factor which needs to be considered along with the other factors set out in Regulation 12(2).
- 5.10 The Panel had before it the consultation plans relating to the proposed new medical centre at the Mount. These were seen by the Panel on display at Greystoke Surgery and the Panel understood they had also been on show at the Methodist Church Hall. The way the introduction is written is suggestive that the Greystoke Medical Group and the Gas House Lane Medical Practice would relocate there. This was denied by Dr. Evans who indicated the practice had no plans to do so and it was premature to suggest otherwise. Mrs. Gunning was unable to provide much in the way of clarification but did say that neither practice had signed an agreement. The Panel found it surprising that such a document should be on public display if it contained such inaccurate information but given the uncertainty over the future development, the Panel did not consider it could attach any weight to the proposals when considering the applications.
- 5.11 The Panel was also told of plans to close the Cottage Hospital. Dr. Evans was dismissive of this. He pointed out that there had been plans to close the hospital for very many years and yet it remained open. He was unaware of any firm commitment by the Hospital Trust to close it. The Panel thought it strange that if the Cottage Hospital were to continue in the long term, that a large part of the car park had been sold off to a private developer. Furthermore, the buildings themselves were apparently built in 1930 and are very tired looking. One ward which previously was on the second floor of the building has closed and beds transferred to the new McArdle care home. In spite of all this, the Panel took the view that again the uncertainty over the future of the Cottage Hospital site meant it could not place any weight on this suggestion.
- 5.12 Whilst accepting that Morpeth is the neighbourhood the Panel did consider those living in the large residential area in the south west quadrant of the area would find it difficult to access pharmaceutical services on foot due to the terrain. The Panel was of the view that the bus services are not as bad as perhaps made out but there would be a cost for those not entitled to a free bus pass. The Panel thought that for those driving into the town centre of Morpeth by car, there might be difficulties in parking especially when the town is busy. Free parking is limited to certain streets but these are near the Manchester Street branch of Boots, Wellway Pharmacy and Greystoke Pharmacy.

- 5.13 The Panel noted from its site visit that the Kirkhill area is mixed in terms of housing type. Whilst not having the same large number of social or former social houses as at Stobhill it did not have the same feeling of affluence of the housing areas which lie to the east of the A197 or north of the river. The housing lying either side of the A197 seemed of higher quality and more spacious than the properties on Kirkhill estate. The Panel accepted there is some limited residential development continuing to the east of the A197 aimed at more upmarket purchasers.
- 5.14 The Panel had difficulty in coming to a conclusion about the population living in this south west quadrant of Morpeth. It encompasses part of the Morpeth Kirkhill ward. The population of Kirkhill in the 2001 census was 2543 but the Panel considered that the likely population which could be served by a pharmacy was probably in excess of 3,000. The Panel thought there are pockets of deprivation and there are a number of residential/sheltered/care homes catering for older people. The car ownership levels are difficult to gauge but it could well be that even if households did own a car, this might well not be available during the day.
- 5.15 The Panel accepted that a large percentage of scripts issued from surgeries in Morpeth are repeat prescriptions and therefore can be collected when accessing other services. Given the very limited nature of services south of the river, the Panel thought is likely that for many people, the weekly shop would be done at Morrisons. The Post Office at Kirkhill has closed. No banks were seen and community facilities were limited.
- 5.16 For those attending the surgeries in the town centre who wish to have a script dispensed during the same visit, there are pharmacies co-located.
- 5.17 The Panel was mindful however, that pharmacies can provide a range of essential and advanced services including giving advice and a minor ailments service "Pharmacy First" which is being encouraged by the PCT.
- 5.18 For those living in the south west quadrant, the journey into town involves walking down steep inclines and if travelling by vehicle negotiating potentially congested junctions.
- 5.19 Looking at all the factors, the Panel concluded that the current pharmaceutical services to this part of the neighbourhood i.e. the south west quadrant of Morpeth to the west of the railway line could not be said to be adequate.
- 5.20 The Panel then went on to determine whether it was appropriate to grant one or more of the applications.
- 5.21 In looking at both applications in terms of location, the Panel thought the parade of shops at Abbey Meadows could satisfy daily needs and is relatively close to a large primary school where it is likely that parents would be taking children to school and picking them up on a daily basis. It is also in close proximity to two residential/sheltered homes with 150 residents. The Panel concluded the proposed pharmacy would be able to provide opportunistic advice and the minor ailments service for those living in the area and would be a relatively easy walk from most parts of the residential area save for the housing along the A197.
- 5.22 In contrast the site proposed by LHG at the Gas House Lane Medical Practice within the Cottage Hospital is less accessible. The A197 is a busy road and safe crossing places from the residential areas to the west are limited. The route from the large housing estate at Kirkhill is tortuous both on foot and by car and there would be no direct bus service. To gain access by car from Kirkhill to the Cottage Hospital would either entail a journey via the town centre, or if taking the shortest route would require a manoeuvre to the right, crossing traffic coming down the hill on the A197. Once there, the car parking situation appeared at the Cottage Hospital site to the Panel to be appalling. At the time of the site visit, vehicles were parked on double yellow lines

and no spaces were available. The Panel did not consider that the planned additional 19 spaces would alleviate the situation given the number of staff employed on the site. There did not appear to be any on street parking outwith the site nearby which would provide an alternative supply. There seemed to be the real possibility of vehicular/pedestrian conflict given the confined nature of the access routes. Given this, the Panel doubted whether anyone not actually already on site or any passer by would willingly avail themselves of pharmaceutical services on the site if in a car.

- 5.23 The Panel was of the view that Mr. Kabir intended to provide a real community pharmacy providing the full range of pharmaceutical services in the heart of the community from retail area which is very much part and parcel of everyone's lives. The application was supported by the local councillor who would presumably be familiar with the needs of his constituents. Whilst Dr. Evans indicated there had been questionnaire issued and completed by a large number of patients whilst the surgery was at its previous location in the town centre, there had been no repetition of the questionnaire to patients after the move. Although representations had been sought by the PCT from the body who is deemed to be representative of patients' views, no comments had been received.
- 5.24 Looking at all the factors and comparing the two applications in terms of location the Panel preferred the site of Mr. Kabir's pharmacy.
- 5.25 The Panel then went on to consider whether there were any other factors which it should consider when looking at whether a second application should be granted. It was argued that LHG proposed to serve all those coming to the Cottage Hospital site whether they be patients of the Gas House Lane practice or attending any of the clinics in the hospital or visiting patients on the ward or residents of the care home. It was further argued a pharmacy would also be available for employees at the County Council and other businesses in the area and the local residents for whom travelling into the centre of Morpeth proved difficult.
- 5.26 The Panel noted the services offered at the Cottage Hospital. The Panel understood from Dr. Evans that normally patients are not issued with a NHS prescription which can be dispensed by a pharmacy or by the surgery dispensary. No firm evidence was given as to a likely requirement for pharmaceutical services by those attending outpatients' clinics. Although district nurses and health visitors are based at the site, it was also said they were invariably out on their rounds. The Panel was not told how long outpatients' clinics have been held at the Cottage Hospital but presumed it was for some years. It was not suggested there had been any expressed desire for a pharmacy there by Northumberland Hospital Trust. Although the McArdle Care Home has residents, Mrs. Watson indicated that Boots at present provides services to it.
- 5.27 The Panel was told patients are drawn to the Gas House Lane practice from all over Morpeth and the outlying villages. The Panel was mindful that in the light of this, prescribing patients are likely to have a pharmacy already conveniently located near to where they live if the proposed pharmacy at Abbey Meadows is included.
- 5.28 The Panel noted there are no other "pull" factors in the immediate vicinity to the Cottage Hospital site.
- 5.29 The Panel concluded that it had not been shown that the inadequacy to this part of the neighbourhood was such that it was necessary or desirable to grant a second application.

6 Recommendation

The Panel members unanimously recommend that the appropriate neighbourhood for the purposes of both applications is Morpeth as shown on the map provided by the PCT. The Panel members also considered that it could not be said that

pharmaceutical services either in or to the south west quadrant of the neighbourhood to the west of the railway line are adequate in view of the terrain and steep inclines to the town centre and the social profile of the area. It concluded that the inadequacy could be met by the grant of one of the applications and having reviewed the various factors, it recommends the application by Mr. Kabir should be preferred and it was desirable to grant it. The appeal by Boots should therefore be allowed as it respects the application by LHG and dismissed in respect of Mr. Kabir.

J.E. Perrett (Chairman)

Appendix 1**ATTENDANCES****The Panel**

Miss J.E. Perrett	Chairman	Mr.
E. Richards		Mr. N.
Chapman		

The Applicants

Mr. A. Kabir

Mr. N. Morley	LHG Medical Services Ltd	Dr.
P. Evans	Director LHG and partner in Gas House Lane Surgery	Mr.
Mrs. S. Gutherson	Practice Manager Gas House Lane Surgery	
J. Forshaw	Pharmacist, Surelines Ltd	

The Appellant

Mrs. J. Watson	Boots PLC	Mr.	R.
Pilsbury			

Northumberland Care Trust

Mrs. A. Gunning		Mr.
P. Chapman		

Appendix 2**DOCUMENTS PRODUCED AT THE ORAL HEARING**

1. Aerial views
2. Map produced by LHG showing the delineated neighbourhood
3. Google map produced by Mr. Kabir showing his delineated neighbourhood and some key buildings.
4. Layout of Mr. Kabir's pharmacy
5. Photographs taken on 1 January 2010
6. Images of the proposal for the new health centre at The Mount.
7. Practice leaflets collected on the site visit
8. Presentation by Mrs. Watson on behalf of Boots.