

# Pharmacy competition - Fighting a pharmacy application

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Alan Kennedy provides a patient's perspective on a pharmacy take-over.

Leuchars and Balmullo are two small villages with a total population of around 3,000, lying about two miles apart in North East Fife.

They are served by a single three-doctor practice with a branch dispensing surgery in each location.



The practice has been developed steadily over the past 20 years, and now offers a well-equipped, purpose-built dispensing surgery in each village with a broad range of add-on NHS services.

This has been made possible by the direct personal investment of the GPs who own the facilities. Income from the in-house dispensing service has been ploughed back in to provide of a wide range of NHS activities that are much appreciated by the patients of all age groups.

## Notice of application

It was therefore a considerable shock for the GPs, and the affected communities, to learn from unofficial sources, in early September 2008, that an application had been made by Glasgow-based company, Levenbrae Ltd, to open a pharmacy within the small Leuchars general shop and sub-post office.

These small businesses were undoubtedly looking for ways of boosting their income streams, a commendable commercial initiative in these hard times.

However, under existing NHS legislation, such an application, if approved, would lead to the immediate ending of dispensing services in both practice locations. These services, once lost, could not be started up again even if the commercial pharmacy were not successful.

On 25 September 2008, a public meeting was held in Balmullo village hall. All interested parties were invited to attend, to learn about and discuss the pharmacy application. Local politicians and the press were also invited.

The hall was filled to capacity, an unprecedented response to the invitation which had been widely circulated by volunteers from the local communities.

The practice partners outlined their position, reinforcing that current dispensing services would legally be required to cease should the planning application be approved by the Fife Pharmacy Practices Committee.

In addition, the partners pointed out that the loss of the dispensing services could lead to one - or possibly both surgeries - becoming uneconomic to run.

Closure of these surgeries might involve the loss of several jobs including nurses, administrative staff and even GPs.

Levenbrae failed to appear at the meeting and gave no explanation as to its absence.

After much discussion, it became clear that there was unanimous opposition to the application within the communities concerned and most patients were prepared to campaign against it.

All present at the meeting were urged to raise their concerns, preferably in writing, with the appropriate health authorities, the press and political representatives. Leaflets giving contact details for these were available at the meeting.

As a layman, with some previous experience of the process, I proposed an e-petition to the Scottish Parliament to seek a general review of the NHS legislation on application and decision processes for commercial pharmacies.

At the same time, a local communities petition opposing the application was circulating which eventually attracted more than 2,000 signatures. The Fife Committee hearing on the application was due in early November so time was of the essence in marshalling public support.

### **Letters of support**

We now know that more than 150 letters of protest were sent to local MPs, MSPs and the Fife health authority. In addition, the local press published a number of letters against the application and ITV in the area did a very fair news report on the subject.

Again, there was no serious attempt by Levenbrae to defend or explain its application.

Surgery staff took to wearing bright yellow T-shirts emblazoned with 'Save Our Surgeries'. This was very successful and patients visiting the surgeries spread the message widely.

Posters inside and outside the premises reinforced the campaign and these were also widely reported in the local media.

All these local actions served to unite the two communities and demonstrate to all levels of local authority that the possible loss of efficient and much appreciated medical services was not acceptable. There were many aspects of the Levenbrae application that caused concern (see box below).

While the local public action continued, I set about submitting a Scottish Parliamentary e-petition which would be posted on the parliament's website and open for anyone to read or sign.

An e-petition differs from the normal multi-signature petition. E-petitions are most useful in attracting support on a national basis and are simple and immediate for anyone with internet access to tackle.

The civil service staff who run the system are approachable, knowledgeable and friendly in helping one get started (see resources).

### **Successful campaign**

I was considerably encouraged, as was the rest of the joint community, by the fact that on 4 December it emerged that the Fife Pharmacy Practices Committee had turned down the Levenbrae application.

It was reported, and later officially confirmed, that the Fife Pharmacy Practices Committee had declined to approve it on the grounds that 'existing services were perfectly adequate as demonstrated by the local support for them and that the proposed premises were unsuitable'.

Levenbrae has since submitted an appeal. Its grounds for doing so are not clear but are understood to focus on the Fife committee's procedures at the meeting where the decision to decline Levenbrae's application was made. It is not yet known when the appeal will be held.

Meanwhile, Scottish Parliamentary e-petition 1220 was considered by the Petitions Committee on 16 December 2008. It calls on the Scottish government to 'review all legislation to ensure the continuance of general practitioner dispensing services in instances where commercial practices apply to operate in the same local area.'

I was aware that the Balmullo and Leuchars situation would probably be resolved before the e-petition had run its course. Nevertheless, the fact that the e-petition had been raised was covered in the press and was yet another factor for the local authorities to bear in mind.

Within the e-petition, I made reference to the lack of clear minimum standards in both space and layout in current NHS pharmacy planning legislation.

I also highlighted the lack of balance in the decision process regarding input to the authorities. Acceptance of submissions by the various parties and by the public is left to the sole discretion of those chairing the Pharmacy Practices Committees.

In the case of Fife, this approval committee has no doctors involved in the decision process, and consists of pharmacists and lay persons.

Understanding and safeguarding well-respected existing services must be part of the planning process if the NHS is to operate on an open and fair basis.

There was little discussion at the 16 December Petitions Committee meeting but it was unanimously agreed that the committee should seek further input from a number of bodies.

### **What happens next**

At this time I await copies of responses on my petition from the Scottish government, the BMA, the Royal Pharmaceutical Society, Community Pharmacy Scotland, a selection of NHS boards and the Remote Practitioners' Association of Scotland.

Upon receiving their input, I will be invited to respond and would expect the next Petition Committee debate on this to be held in March or April. Readers might be interested to know the work of the committee can be viewed live on the parliament website.

While there is some way to go, I am hopeful that something will emerge from the e-petition that offers fair and clear guidance on a national level when applications are made which can adversely affect the provision of in-house dispensing services in Scotland and possibly elsewhere.

Balmullo and Leuchars communities have demonstrated that, by uniting public support at all levels, common sense decisions can be achieved on such planning applications.

It does need effort to do this and the campaign was well run and, most importantly, sustained throughout.

However it will take much more effort to change the unfair nature of current legislation. But change is necessary to bring about a situation where decisions are made openly and after fair consideration of all the facts from all the parties involved.

- *Alan Kennedy is a patient at the Leuchars and Balmullo Village Surgeries*

#### **Points of concern regarding proposed pharmacy application**

- Poor physical access to the sub-post office shop plus lack of existing parking.
- Lack of space allocated to the proposed pharmacy facilities within the premises. For example, one square metre was allocated within the busy post office-cum-shop for confidential consultation.
- Dispensary preparation areas were also considered poor.
- Patients in Balmullo would be forced to travel to Leuchars or even further afield - to Cupar or St Andrews - for pharmacy services and possibly surgery appointments if the local facilities became uneconomic to maintain.
- Existence of perfectly adequate dispensing facilities in the present surgeries which have a high level of local support.
- Potential lack of dispensing services should the proposed pharmacy fail. Current legislation would prevent dispensing re-starting in either of the two surgeries.
- Threat to the commercial viability of the two surgeries and potential impact on patient services and on jobs.