

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (07)

Minutes of a Meeting held on
Wednesday 27th October 2010 in
The Eagle Lodge, 2 Hilton Road, Bishopbriggs
Glasgow G64 2PN

PRESENT:	Mr Peter Daniels	Chair
	Professor Joe McKie	Lay Member
	Mr William Reid	Deputy Lay Member
	Professor Howard McNulty	Deputy Non Contractor Pharmacist Member
	Mr Kenny Irvine	Contractor Pharmacist Member
	Mr Alasdair MacIntyre	Contractor Pharmacist Member
IN ATTENDANCE:	Mrs Catherine Anderton	Deputy Lay Member - observing
	Trish Cawley	Community Pharmacy Development Supervisor
	Richard Duke	Contracts Manager – Community Pharmacy Development
	Michelle Dunlop	Community Pharmacy Development Officer
	Mr Alex Imrie	Deputy Lay Member - observing
	Councillor Luciano Rebecchi	Deputy Lay Member - observing
David Thomson	Deputy Lead - Community Pharmacy Development	

Prior to the consideration of business, the Chair asked members to indicate if they had an interest in any of the applications to be discussed or if they were associated with a person who had a personal interest in the applications to be considered by the Committee.

ACTION

The Chair firstly welcomed the new Deputy Lay Members to their first Pharmacy Practices Committee, who were attending as observers only.

1. APOLOGIES

There were no apologies

2. MINUTES

The Minutes of the meeting held on Monday 23rd August 2010 PPC[M]2010/06 were noted as a correct record subject to the following amendment:

Item 10, second paragraph, third line ...allow PowerPoint presentations – to add after PowerPoint ‘, or similar programmes,’

3. MATTERS ARISING NOT INCLUDED IN AGENDA

There were no matters raised.

4. Section 1 – Applications Under Regulation 5 (10)

Case No: PPC/INCL04/2010

Boots UK Ltd – Unit 1B, Strathkelvin Retail Park, Bishopbriggs, Glasgow G64 2TS

The Committee was asked to consider an application submitted by Boots UK Ltd to provide pharmaceutical services from premises situated at Unit 1B, Strathkelvin Retail Park, Bishopbriggs, Glasgow G64 2TS under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended.

The Committee had 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.

The Committee, having previously been circulated with all the papers regarding the application from Boots UK Ltd agreed that the application should be considered by oral hearing.

The hearing was convened under paragraph 3 (2) of Schedule 3 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended ("the Regulations"). In terms of this paragraph, the PPC "shall determine an application in such a manner as it thinks fit". In terms of Regulation 5(10) of the Regulations, the question for the PPC is whether "the provision of pharmaceutical services at the premises named in the application is necessary or desirable to secure adequate provision of pharmaceutical service in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List."

The Applicant was represented in person by Mr Charles Tait ("the Applicant"), assisted by Mr Andrew Mooney. The Interested Parties who had submitted written representations during the consultation period and who had chosen to attend the oral hearing were Mr Martin Green (JF Forbes Pharmacy & Milton Pharmacy); Mr Dennis Houlihan (Torrance Pharmacy); Mr Fraser Frame (Wm Morrison Pharmacy) assisted by Mr Paul Muirhead; Ms Alison Twaddle (Woodhill Pharmacy) assisted by Councillor Anne McNair ("the Interested Parties").

Prior to the hearing, the Panel had collectively visited the vicinity surrounding the Applicant's proposed premises, existing pharmacies, GP surgeries and facilities in the immediate area and surrounding areas of: Kirkintilloch Road, Torrance, South Crosshill Road, the railway line, West Cleddens Road, Woodhill Road, Menteith Avenue, Springfield Road, The Triangle Centre and surrounding shops within Bishopbriggs, along Balmuildy and Hillton Roads.

The Committee noted that the premises were constructed, open and the pharmacy was fitted out and ready for use. The Committee toured the wider vicinity of the Strathkelvin Retail Park.

The Chair addressed those attending and asked for their confirmation that their status was not as a counsel, solicitor or a paid advocate. All attending confirmed that their status had not changed.

The procedure adopted by the PPC at the hearing was that the Chair asked the Applicant to make his submission. There followed the opportunity for the Interested Parties and the PPC to ask questions. The Interested Parties were then asked to make their submission in turn. There followed the opportunity for the Applicant and the PPC to ask questions of each of the Interested Parties. Finally, the Interested Parties and the Applicant were then given the opportunity to sum up.

The Applicant's Case

Mr Tait firstly said he wished to apologise for not attending the previous Pharmacy Practices Committee meeting, which was to consider this application. This was due to a diary malfunction, which he regretted.

Mr Tait commenced his presentation by recognising that the neighbourhood had no clear name but did include the villages of Jellyhill and Cadder and contained a population of approximately 7,000. He said that this was a comparatively affluent area, with a high elderly population. Access to the premises site was generally good for: walking, public transport and cars. In recent years, changes to the designation of the site to 'open access' provided residents with a preference to the town centre.

Mr Tait stated that the neighbourhood had previously been identified within the map included with the application as follows:

East: the Bishopbriggs burn (running north west) and the golf course, along the Forth & Clyde Canal running north east across open country after Cadder Road ;
North: Open land to the west (crossing Kirkintilloch Road) until the Crosshill Road playing fields;
West: open land due south to the railway line and along the line until Cleddens Road;
South: west along Cleddens Road and South Crosshill Road, crossing the Kirkintilloch Road to the Bishopbriggs burn.

Mr Tait said that since the store opening, the pharmacy was receiving 27 daily requests from patients to dispense prescriptions, which did not include requests for EHC, MAS etc. He said there was now a clear imbalance in service provision, which was centred on the town centre. The population was required to access services from out with the neighbourhood.

Mr Tait referred to the 2001 Census advising that the neighbourhood was reflected by two Wards – Balmuirdy and Park (3,929 persons) and Cadder and Langbrae (4,506 persons). He reiterated that this application was necessary to redress the imbalance of service provision and extremely desirable due to the changing flow of shopping needs within Bishopbriggs.

Mr Tait noted that this application had received several letters of support and one that did not. He believed that much of the objection mistakenly arose over concern that the approval of this application would lead to the closure of existing pharmacies in either Lenzie or Kirkintilloch. He did not believe that this would happen and that all existing pharmacies would remain viable with this application simply providing services to a neighbourhood that

currently had no provision.

Mr Tait summarised his case by saying that the shopping facilities in north Bishopbriggs had changed the pattern of life in the area and this application supported that change. He reminded the Committee there were no pharmacies currently within the neighbourhood and that this application would provide a level of service which had not been provided before.

The Interested Parties Question the Applicant

In response to questions from **Mr Green** regarding the neighbourhood, Mr Tait said that he intended to rely on the physical boundaries as defined for his neighbourhood. The inclusion of Cadder and Jellyhill villages were just as a means of expressing the whole neighbourhood as these localities had historically been absorbed within Bishopbriggs. He clarified that there were many amenities within the proposed neighbourhood including an Adsa supermarket; sports centre; hotel and retail park.

In response to questioning from Mr Green, Mr Tait accepted the railway line was not a physical barrier. He advocated it defined different housing areas. He believed the type of housing did not form a boundary, it was the open ground and topography nearby which formed the barriers.

In response to further questioning from Mr Green, Mr Tait stated that he had considered a smaller neighbourhood from around Hilton Road north, which would have still identified a neighbourhood population of around 4,500 residents.

In response to additional questioning from Mr Green regarding Kirkintilloch Road, Mr Tait accepted that this road had the potential of being defined as a boundary, as it ran the entire length of Bishopbriggs, however he did not see this as a barrier within his neighbourhood. He advised there were public bus services which ran every ten minutes both ways and although the public crossing into the Retail Park was not light controlled, the path had been lowered and presented no difficulty

In response to further questioning from Mr Green, Mr Tait clarified that the patients who had presented within the pharmacy were looking to have their prescriptions dispensed.

In response to final questions from Mr Green, regarding the continued viability of existing contractors Mr Tait advised that Boots UK Ltd had considered seeking a minor relocation from the town centre into the retail park but considered there to be sufficient business for both pharmacies.

In response to questions from **Mr Houlihan**, Mr Tait advised that the new store was already viable without prescription trade. Although he believed a new pharmacy would not have any affect on the viability of other existing pharmacies, he did accept that they were likely to experience a small percentage change in demand. He did expect however, prescriptions to be presented from a wider area than Bishopbriggs.

In response to questions from **Mr Frame**, Mr Tait explained that the increase in the estimated neighbourhood population from 5k – 6k, appearing in the original application, to 7k reflected recent estimates within the Scottish Neighbourhood Statistics.

In response to further questioning from Mr Frame, Mr Tait reiterated that the railway line was not a physical barrier and the identified southern neighbourhood roads were chosen because of demographics.

In response to final questions from Mr Frame, Mr Tait rejected the suggestion that the neighbourhood had been contrived so as to omit the current three town centre pharmacies. He also said he could guarantee that the approval of this application would not result in the closure of an existing pharmacy

In response to questions from **Ms Twaddle** regarding the effect on existing contractors by a new pharmacy, Mr Tait projected that 50% of the prescription business would come from out with the Bishopbriggs area, so that any percentage change for existing contractors would therefore be small.

The PPC Question the Applicant

In response to questioning from **Mr Reid** regarding neighbourhood, Mr Tait accepted that different population levels had been used but his best current estimate was 7,400. He confirmed that this was a significantly affluent area with high numbers of elderly.

In response to further questioning from Mr Reid, Mr Tait confirmed that 26 average daily patient request were being made in the new retail park store by patients seeking prescription dispensing services. He also confirmed there were no current pharmacies within the identified neighbourhood. He also advised that having spoken to people about the pharmacy, the convenience of accessing pharmacy services within the retail park without the need to visit the town centre was well supported.

In response to questions from **Professor McNulty**, Mr Tait said that an existing pharmacy was quite close to the southern end of the neighbourhood. He anticipated that some residents south of the sports ground may continue to use the pharmacies in the town centre but it would be dependent on what else they may be doing.

In response to further questioning from Professor McNulty concerning whether there was a GP practice within his neighbourhood, Mr Tait confirmed there were none was apart from a branch surgery. He had not made contact with any of the GP practices.

In response to further questioning from Professor McNulty regarding viability, Mr Tait stated that he was aware that some nearby pharmacies listed in the papers had low dispensing levels. He therefore suspected it would be difficult for another independent contractor to open who would rely on prescription income, which was not the case in this application He said that dispensing items and viability were difficult to define as he knew of some pharmacies that only dispensed 500 items per week and still remained viable.

In response to further questions from Professor McNulty, Mr Tait clarified that the pharmacy would offer the full range of contractual pharmaceutical services.

In response to final questioning from Professor McNulty, Mr Tait stated that although the consultation responses to this application indicated there was limited public or Local

Authority support, he was aware that there was support for a pharmacy.

In response to questioning from **Professor McKie**, Mr Tait stated there was inadequacy of services in the neighbourhood, which required patients to travel a distance to obtain services. He felt that patients in the northern part of the neighbourhood suffered most from access issues. This was not due to transport difficulties as a high numbers of residents had cars. He did not consider this application was made on the grounds of patient convenience.

In response to further questioning from Professor McKie regarding where the anticipated 50% of business would come from out with the area, Mr Tait believed this was likely to come from all over East Dunbartonshire and Glasgow.

In response to a final question from Professor McKie which suggested the southern neighbourhood boundary of Crosshill Road, the railway line and West Cleddens Road did not materially affect the applicants case, Mr Tait said he believed it did have the potential due to the topographical change that occurred there.

In response to a series of questions from **Mr Thomson**, Mr Tait clarified the northern boundary of the neighbourhood, as open country to the north of Cadder cemetery. He explained that he believed 'open country' was adequate and that it was not necessary to define this by a road network. By stating 'open country' he accepted this might be considered as extending to the canal and therefore would modify his statement to, the open ground north of Cadder cemetery.

In response to questioning from Mr Thomson in regard to registration of the premises, Mr Tait advised that the premises had been registered as a pharmacy with the General Pharmaceutical Council which permitted the sale of 'P' medicines and access to a pharmacist for advice

In response to further questioning from Mr Thomson, Mr Tait advised that his colleague had visited the retail park at weekends but was not surprised that there were difficulties with car parking. This he said, reflected the success of the recent developments.

In additional questioning from Mr Thomson, Mr Tait declined to share details on the projected footfall anticipated to travel from outwith the neighbourhood that would have determined Boots UK decision to open a pharmacy in this location

In response to a final question from Mr Thomson, Mr Tait said he was confident within 10% of the accuracy of the number of neighbourhood residents as this had been identified from statistical data zones, which were known to be accurate.

In response to a question from **Mr Irvine** with regard to Braehead shopping mall, Mr Tait said that he expected there would be only minimum comparisons between the pharmacies. There were both considered 'destination sites' but the new pharmacy and the shopping area would be much smaller.

In response to further questioning from Mr Irvine, Mr Tait stated there was no secondary school within the neighbourhood but there was a primary school.

In response to a final question from Mr Irvine, Mr Tait suggested that he believed the footfall in the Triangle Centre was mainly from Bishopbriggs with 70% being walk-in the remainder travelling by bus or car.

In response to questioning from **Mr MacIntyre** relating to the suggested change in housing within the neighbourhood, Mr Tait said it was difficult to consider a change to the southern boundary as it was not clear in which street the change in housing style occurred.

In response to final questioning from Mr MacIntyre, Mr Tait agreed that it might be said that 2/3rd of the neighbourhood from approximately Hilton Road south, was closer to the town centre. This was an area of older housing and the estimated population was 3,807.

The Interested Party's Case, Mr Martin Green – JF Forbes Pharmacy & Milton Pharmacy

Mr Green defined the neighbourhood as follows:

East: east side Ashgill Road running north to Scaraway Street, across open country to Kenmure Farm, the Forth & Clyde Canal and along the canal to Cadder Road and across open country to the A807 and A803 roundabout;

North: A807 and A803 roundabout west along Kirkintilloch Road;

West: south across open country down Crosshill Road and across open country to the west of HMP Low Moss until Auchinairn Road;

South: along Auchinairn Road travelling west, along Colston Road across Kirkintilloch Road to Ashgill Road.

Mr Green stated the neighbourhood defines the town of Bishopbriggs, which is served by five existing pharmacies. He added that there were a further ten pharmacies in the neighbouring areas of Torrance, Lenzie, Milton, Springburn, Balornock and Robroyston.

Mr Green explained that from his analysis of the neighbourhood, using the Scottish Neighbourhood Statistics web site, he identified twenty eight data zones within the defined neighbourhood boundaries. From these statistics, he estimated a population figure of 23,995. He said that this was an attractive location for the working population with its close proximity to Glasgow city and as a threshold to the country. He noted that 60% of the population was of working age with approximately 20% pensionable age and a further 20% of children and students.

Mr Green advised that the housing type within the area as classified by council banding places were: Band A 1.87%; Band B-C 22.6%; Band D-E 58.53%; Band F-H 17.54%.

Mr Green referred to the Scottish Index of Multiple Deprivation, a tool for assessing deprivation, which considers factors such as income, employment, health, education, access to services, crime and housing. The Index's data zones assign a ranking from 1, most deprived to 6,505 being the least deprived.

The respective neighbourhood data zones range from 1,294 up to 6,292 with an average of 4,969, which places the neighbourhood within the 25% least deprived or most affluent areas in Scotland. He added that the four closest data zones to the retail park provided a

range between 5,981 – 6,292 with an average of 6,112, which places this area in the top 6% most affluent in Scotland. He identified two data zones which brought this average down, which was identified as the Auchinairn area, which has its own pharmacy and GP practice and the least likely to access the retail park as they were 1½ miles away.

Mr Green said that social environment and economic status have a significant influence on health, evident in Bishopbriggs with much of the older population remaining very health and active, still driving and generally spending their day on the golf course or bowling green. A drive around the streets of Bishopbriggs confirms this picture reflected by the statistics. He added that this was an affluent neighbourhood, most households having not one car but two cars, so if the town centre cannot be accessed by foot, most will have access to a car to drive.

Mr Green referred to the applicants suggestion that the town centre is congested, which he accepted can become congested during the morning rush hour of 8:00am to 9:00am and in the afternoon between 5:00pm to 6:00pm. He said that this was due to Kirkintilloch Road being one of the main routes from North of Glasgow into the city. It contributed very little, if at all, to impairing access to pharmaceutical services located in the town centre.

Mr Green said that the applicant had mentioned that car parking was a particular issue in the town centre however, 216 spaces were allocated to Morrison's, which has a pharmacy. He said there were a further 142 spaces of 3 hours parking available on the top deck of the car park. In addition, there 61 spaces available behind the Bishop's Gate flats and 13 behind the library, which made a total of 432 spaces available. He said that he had never experienced any difficulty in parking when he visited the town centre.

Mr Green referred to the application which proposes that the retail park attracts large numbers of visitors and that their expectation would be to access NHS Pharmaceutical Services there. He said that he expected the Committee had visited the retail park and would have noticed that the vast majority of outlets were do-it-yourself or home ware outlets with the exception of Marks & Spencer. He believed that the Marks & Spencer inclusion has occurred by chance, as the retail park was never intended to affect the town centre, which resulted in the retail park offering a limited range of outlets. Mr Green added that he had never experienced the retail park busy and it never crossed his mind that a pharmacy was needed.

Mr Green said that residents of Bishopbriggs and surrounding towns valued their town centres as can be clearly established from the contributions received from community representatives. He added that retail parks are a value to the community if they provide additional services, which should complement a town centre to enhance a neighbourhood and not threaten or compromise a town centre's services.

Mr Green stated that he owns two pharmacies in the neighbourhood, JF Forbes Pharmacy and Auchinairn Pharmacy. He said that the population statistics suggest that numbers of prescription dispensed by each pharmacy are not excessive. For JF Forbes Pharmacy, he said they currently dispense less than 2,000 items per month. He said that although dispensing volume will eventually be replaced by capitation, it is still a proxy for future remuneration. Therefore, any slight reduction in currently dispensing by the granting of the application would make the pharmacy no longer viable and he would need to consider

closure.

Mr Green advised that the pharmacy had undergone a full refit last September to improve facilities to patients. Recently he had advertised a comprehensive collection and delivery service for which he has a dedicated van and driver within Bishopbriggs and the surrounding areas. He added that should the applicant consider to relocate his current town centre pharmacy to the retail park, JF Forbes Pharmacy would be able to cope with any increase in demand.

Mr Green suggested that for patients who needed to travel for pharmaceutical services it made little difference to the journey whether you travel to the retail park or the town centre. The retail park was on the extreme northern outskirts of Bishopbriggs and most patients would have car access. He said that the applicant's defined neighbourhood was the villages of Cadder and Jellyhill, which were both on the north west side of the Kirkintilloch Road. He drew to the Committee's attention that from Jellyhill to the Torrance roundabout, there was no continuous footpath on the eastern side. Furthermore, Kirkintilloch Road was hazardous for a large part of the neighbourhood needed to cross it.

Mr Green stated that the applicant had defined the neighbourhood's southern boundary as the railway line and demographics. Although the housing type might be different on South Crosshill Road he stated that this was the same housing type which could be found in Jellyhill. This housing type was consistent across the applicant's neighbourhood. He added that there are no 'villages' of Jellyhill and Cadder as there were no amenities which provide them with a separate identity from Bishopbriggs and if you told the residents of these areas that they lived in Jellyhill or Cadder village, they would not know what you were talking about.

Mr Green advised that public transport through Bishopbriggs, if required, was frequent and easily accessible. He said that as Kirkintilloch Road was a main commuter route into the city, buses passed every few minutes with bus stops being found at approximately quarter mile intervals.

Mr Green referred to the application which proposed to offer extended hours for a pharmacy in the retail park but pointed out that Bishopbriggs was already well provided with a pharmacy as Morrison's opened seven days a week with opening hours: Monday to Saturday 8:30am to 8:00pm; Sunday 9:00am to 7:00pm. In addition, Asda at Robroyston also opened seven days a week with opening hours: Monday to Friday 8:00am to 10:00pm; Saturday 8:00am to 8:00pm and Sunday 9:00am to 7:00pm.

Mr Green summarised by saying the applicant had failed to establish their identified area as a neighbourhood. There were sufficiently adequate pharmaceutical services already established within the neighbourhood of Bishopbriggs and neighbouring areas, to cater for the size of the population and its relative health needs. He added that the applicant had not demonstrated any inadequacy in existing service provision of which they were a part of and if they truly believed there was an unmet need within their defined neighbourhood, they should consider relocation. Mr Green therefore proposed that the Committee find the application neither necessary or desirable.

The Applicant Questions the Interested Party

In response to questioning from **the Applicant**, Mr Green confirmed that there were three pharmacies within Bishopbriggs town centre, one in Auchinairn and Woodhill Roads.

The meeting is adjourned at 3:30pm for a comfort break and Councillor McNair (Observer) leaves. The meeting is reconvened at 3:40pm.

In response to further questioning from the Applicant, Mr Green confirmed that Balornock was outside his defined neighbourhood as this could not be accessed from Auchinairn Road.

In response to a further question from the Applicant regarding car parking spaces, Mr Green stated that there were 432 spaces available within the Bishopbriggs Triangle Centre and in his experience there had never been a problem parking there.

In response to a further question from the Applicant, Mr Green stated that Bishopbriggs town centre was at the heart of the neighbourhood and was well connected to its constituent parts.

In response to further questioning from the Applicant around Kirkintilloch Road, Mr Green stated that this was an arterial road into and out of the city and as such different from Colston Road.

In response to further questioning from the Applicant, Mr Green stated that residents from Kincardine Drive, which was off Auchinairn Road, and residents from Teviot Avenue would both consider they lived in Bishopbriggs.

In response to a further question from the Applicant concerning bus service access, Mr Green said that Bishopbriggs was very well served with bus services.

In response to a further question from the Applicant concerning the retail park containing principally do-it-yourself stores, had the recent opening of the Marks & Spencer store changed his view. Mr Green agreed that the function of the retail park had now changed but did not believe this altered the nature of the park or North Bishopbriggs and there had always been an Asda in that area.

In response to final questioning from the Applicant, Mr Green was aware there were limited vacant units within the retail park and he would be surprised if Matalan did intend to open and that Next were also seeking premises.

There were no questions to Mr Green from the other interested parties.

The PPC Question the Interested Party

In response to questioning from **Mr MacIntyre**, Mr Green advised that buses ran every four to eight minutes with the travel time from the retail park to the town centre being approximately ten minutes.

In response to final questioning from Mr MacIntyre regarding methadone services, Mr

Green advised that his Auchinairn Pharmacy had less than five patients and JF Forbes Pharmacy had less than six. He said that these pharmacies were willing to take on more patients if the demand increased.

In response to questioning from **Mr Irvine** concerning where the footfall originated from for his Bishopbriggs pharmacy, Mr Green advised this was mainly from the population in the north west of Bishopbriggs and the medical practices from the town centre.

In response to questioning from **Professor McNulty** around the potential benefits to be gained by patients from a pharmacy in the retail park, Mr Green said he would agree if it did not compromise other pharmacies within the area. He reminded Professor McNulty that this was a very affluent area with health needs less than in a poorer area and that there was good access to transport.

In response to a final question from Professor McNulty, Mr Green said that he was not aware of the dispensing volumes in the other town centre pharmacies but if one did go out of business there would be no loss of service adequacy in the neighbourhood but it would result in the existing pharmacies being busier.

In response to a question from **Mr Reid**, Mr Green said he suspected that a resident of Auchinairn would say that they were from Bishopbriggs as this a more attractive post code.

There were no questions to Mr Green from Mr Thomson, and Professor McKie.

The Interested Party's Case, Mr Houlihan Torrance Pharmacy

Mr Houlihan said that Torrance was a village adjacent to the one proposed by the applicant. If this application was granted it was likely that it would have a detrimental effect on his pharmacy. Torrance, he pointed out was a true village as opposed to the suggestion that Jellyhill and Cadder were villages. The pharmacy supported the local Post Office by co-sharing of premises.

Mr Houlihan referred to the applicants estimate that the new pharmacy would dispense around 4,000 prescriptions a month. This would impact on existing pharmacies and any small change would make a significant difference to a pharmacy. He said that his pharmacy had a low dispensing volume and therefore any decrease may affect viability.

Mr Houlihan recognised that the Torrance Pharmacy premises required investment to provide disable access.

Mr Houlihan supported the other issues raised by Mr Green and thanked the Committee for the opportunity to present his case.

The Applicant Questions the Interested Party

In response to a question from **the Applicant** regarding where 'detrimental effect' appear within the Regulations, Mr Houlihan answered by stating that a reduction in dispensing volume would have an effect on viability.

In response to a further question from the Applicant concerning the possibility of the new pharmacy achieving 4,000 monthly dispensed items would this suggest that people had chosen his pharmacy rather than the Torrance Pharmacy? Mr Houlihan was unable to answer this question.

In response to a final question from the Applicant, Mr Houlihan said that 50% to 60% of the Torrance Pharmacy dispensing business did come from the neighbourhood which the applicant had defined.

There were no questions to Mr Houlihan from the other interested parties.

The PPC Question the Interested Party

In response to questions from **Mr Reid**, Mr Houlihan said that approval of this application would be an inconvenience to the Torrance Pharmacy, which may affect the support which it provided to the local Post Office. He also clarified that the population of Torrance was 2,500.

In response to a question from **Professor McNulty**, Mr Houlihan accepted that the proposed longer opening hours may be convenient to village patients but he believed they would also wish to support their community.

In response to a final question from Professor McNulty, Mr Houlihan confirmed that the Torrance Pharmacy provided oxygen services but was unable to confirm how many patients they currently had.

In response to a question from **Mr Irvine** on the Torrance village demographics, Mr Houlihan advised that it was a very affluent population, a high percentage of elderly and little demand for methadone services.

In response a question from **Mr MacIntyre**, Mr Houlihan said he expected this pharmacy would lose patients from both the village and the north side of Bishopbriggs if the application was granted.

There were no questions to Mr Houlihan from Mr Thomson, and Professor McKie.

The Interested Party's Case, Mr Frame, Wm Morrison Pharmacy

Mr Frame advised that Morrison Pharmacy was open: Monday to Friday between hours of 8:30am to 8:00pm; Saturday between 8:00am to 8:00pm and on Sunday 9:00am to 7:00pm. The pharmacy offered a full range of pharmaceutical services and generally had two pharmacists on duty at any given time and on occasions, three. A collection service was available from all surgeries and there was good bus access to this location. In 2006, the population was 23, 300 and the pharmacy was part of the fabric of daily life.

Mr Frame said he believed the applicant's neighbourhood was contrived to exclude existing pharmacies. There were no major access barriers within Bishopbriggs and most customers would use the pharmaceutical services available from within the town centre.

Mr Frame said that he agreed with the neighbourhood previously defined by Area Pharmaceutical Committee CP Subcommittee as follows:

North: the canal;

West: open ground;

East: open ground;

South: follow railway line down to Springburn Road at Auchinairn Road cross Colston Road up open ground on east of Ashgill Road.

Mr Frame said that car ownership was higher than the national average, there was a good bus service and transport links. Road and paths were well maintained and there was very little gradient between the town centre and the retail park.

Mr Frame advised that there were three pharmacies serving the neighbourhood population. All offered core and additional services with Morrison's pharmacy providing extended hours. He was not aware of any patient complaints about the service provision and he noted that patients would still need to travel to access services at the retail park.

Mr Frame summarised by saying that this was a contrived application, existing pharmacies offered all services, patient access was excellent and there had been no complaints. He said that this application was convenient and not necessary or desirable.

The Applicant Questions the Interested Party

In response to a question from **the Applicant**, Mr Frame said he believed that the population access the town centre for their daily life needs not just to access the medical centres.

In response to a final question from **the Applicant**, Mr Frame said he believed that the majority of patients using the Morrison pharmacy came from the Bishopbriggs area.

There were no questions to Mr Frame from the other interested parties.

The PPC Question the Interested Party

In response to a question from **Mr MacIntyre** about the demand for methadone services, Mr Frame said there was not much demand due to it being an affluent area.

In response to a question from **Mr Irvine**, Mr Frame was unable to clarify pharmacist staffing levels on specific days as this was dependent on the shop's whole business, which was defined on the work force planner.

In response to a question from **Professor McKie**, Mr Frame clarified that the lower car park was reserved for Morrison customers only. He said there was a sign to inform car drivers accordingly.

There were no questions to Mr Frame from Mr MacIntyre, Mr Thomson and Professor McNulty.

The Interested Party's Case, Ms Twaddle Woodhill Pharmacy

Ms Twaddle stated that Cadder and Jellyhill were not neighbourhoods but were part of Bishopbriggs and as such pharmaceutical services for these areas were provided by existing pharmacies within Bishopbriggs. She said there was not a distinct community of Cadder, having no town centre or post office and a retail park does not make a community.

Ms Twaddle referred to the application that stated that residents in the Cadder/Jellyhill part of Bishopbriggs had no option but to access pharmacies in the congested town centre but fails to mention her own pharmacy at Woodhill and the Auchinairn Pharmacy which is also not within the town centre.

Ms Twaddle said that current pharmaceutical provision in Bishopbriggs was adequate with no recent increase in housing to affect demand. She believed that the granting of an additional NHS contract within Bishopbriggs would adversely affect the income of the existing pharmacies. She therefore considered this application neither necessary nor desirable.

There were no questions to Ms Twaddle from the Applicant.

The PPC Question the Interested Party

In response a question from **Mr Thomson**, Ms Twaddle advised that she planned to make improvement to the consultation room by improving the soundproofing.

In response to questions from **Mr Irvine**, Ms Twaddle advised that she had opened the pharmacy 17 years ago. Most of the pharmacy's prescription volume came from the Cadder area, south of the canal. She also said a proportion of people call into her pharmacy after visiting the Auchinairn surgery on their way home.

There were no questions to Ms Twaddle from Mr MacIntyre, Professor McKie and Professor McNulty.

Summing Up

The Applicant and the Interested Parties were then given the opportunity to sum up.

Ms Twaddle said that the applicant had defined a contrived neighbourhood to avoid current pharmacies. There was no demand for another pharmacy and therefore this application was neither necessary or desirable.

Mr Frame said that the applicant had clearly contrived a neighbourhood to exclude the exiting three pharmacies within the town centre. Another pharmacy was not necessary or desirable and therefore the Committee should reject this application.

Mr Houlihan asked the Committee to take into consideration the effect this application would have on his pharmacy in the adjacent area of Torrance.

Mr Green said that the Applicant had failed to establish a neighbourhood for Bishopbriggs. This was an affluent area with good transport links and access. An additional pharmacy on the edge of the town did not offer any new services but did threaten existing pharmaceutical services. Mr Green therefore asked the Committee to reject the application as it was neither necessary or desirable.

Mr Tait said that he had never come across a single neighbourhood as big as that being suggested by the interested parties. He believed his defined neighbourhood defined was more robust than the other neighbourhoods suggested which was not contrived. He believed that the potential loss of business by the other pharmacies was being over stated and he did not expect there to be any affect on viability

Mr Tait said that the effects of 'open consent' in the retail park will be felt by all. With no pharmacy in the retail park, the residents from the northern part of Bishopbriggs will continue to have to travel to the town centre to access a pharmacy. He believed his argument was sound and there was support for the proposed pharmacy. He therefore believed that this application would benefit the general population and was both necessary and desirable to provided pharmaceutical services within the defined neighbourhood.

Before the Applicant left the hearing, the Chair asked Mr Green, Mr Houlihan, Mr Fraser and Ms Twaddle to confirm that they had had a full and fair hearing. Confirmation was received by all but Mr Green said that although he accepted that he had had received a full hearing today questioned if he had had a fair hearing. Mr Green referred to the previous meeting scheduled to hear this application at which the Applicant had failed to attend. Mr Green further questioned whether the process would have been suspended if any of the interested parties had been unable to attend this hearing and if not then, it was not fair. The Chair responded that the Committee, at the previous meeting had taken advice from the Central Legal Office and that that advice was to the effect that proceeding with the hearing in the absence of the applicant may be deemed to be unsafe and that it was for that reason that the meeting had been postponed until today.

The PPC was 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 was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located.

In addition to the oral submissions put before them, the PPC also took into account all written representations and supporting documents submitted by the Applicant, the Interested Parties and those who were entitled to make representations to the PPC, namely:

- a) Chemist contractors within the vicinity of the Applicant's premises, namely:
- Colin Fergusson Pharmacy – 227 Wallacewell Road, Balornock G21;

- Milton Pharmacy – 137 Scaraway Street, Milton G22;
- Woodhill Pharmacy – 168 Woodhill Road, Bishopbriggs G64;
- Auchinairn Pharmacy – 167 Auchinairn Pharmacy, Bishopbriggs G64;
- JF Forbes, 193 Kirkintilloch Road, Bishopbriggs G64;
- Boots UK Ltd – 3 The Triangle, Bishopbriggs G64;
- Morrison's Pharmacy – the Triangle Centre, Bishopbriggs G64 and
- Torrance Pharmacy, 63-65 Main Street, Torrance G64.

- b) The NHS Greater Glasgow & Clyde Area Pharmaceutical Committee, CP Subcommittee
- c) The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee);

The Committee noted that in accordance with the requirement to consult the public, notification of the application had been sent to:

- d) - Kirkintilloch Herald & Strathkelvin Advertiser and Bishopbriggs Herald (advert run on Wednesday 3rd March 2010) – six responses received;
- e) - East Dunbartonshire CHP – no response received
- f) The following community councils - four responses received:

Milton of Campsie;
Lenzie
East Dunbartonshire
Bishopbriggs
Baldernock
Kirkintilloch
Torrance

The Committee also considered;-

- g) The location of the nearest existing pharmaceutical services;
- h) The location of the nearest existing medical services;
- i) Demographic information regarding post code sectors G64.1, G64.2 and G64.4;
- j) Information from East Dunbartonshire Council, Road and Neighbourhood Services regarding future plans for development within the area;
- k) NHS Greater Glasgow and Clyde plans for future development of services; and
- l) Patterns of public transport in the area surrounding the Applicant's proposed premises.

DECISION

Having considered the evidence presented and the observations from the Committee's

site visit, the PPC had to decide firstly on the question of neighbourhood in which the premises referred to in the application were located.

The Committee considered the various neighbourhoods put forward by the Applicant, the Interested Parties, and the Area Pharmaceutical Committee, CP Subcommittee in relation to the application. The Committee agreed with the definition made by Mr Green and therefore considered that the neighbourhood should be defined as follows:

East: east side Ashgill Road running north to Scaraway Street, across open country to Kenmure Farm, the Forth & Clyde Canal and along the canal to Cadder Road and across open country to the A807 and A803 roundabout;
North: A807 and A803 roundabout west along Kirkintilloch Road;
West: south across open country down Crosshill Road and across open country to the west of HMP Low Moss until Auchinairn Road;
South: along Auchinairn Road travelling west, along Colston Road across Kirkintilloch Road to Ashgill Road.

The Committee agreed that the housing to the south of Colston Road and the west side of Ashgill Road demarked a different neighbourhood. The open country across the Bishopbriggs golf course was considered a boundary and the Forth & Clyde canal was a significant physical boundary. The open countryside up to the Kirkintilloch roundabout (A803 & A807) was also deemed a boundary. The roundabout itself was also recognised as a physical boundary due to the significant volume of traffic passing through. Kirkintilloch Road was a main trunk road. South of the Kirkintilloch Road passing Low Moss prison, the open country side also was identified as a boundary down to the Auchinairn Road. The Auchinairn Road was a main trunk road linking Lenzie with Bishopbriggs.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

Having reached that decision, the PPC was then required to consider the adequacy of pharmaceutical services within that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

The Committee noted that within the neighbourhood as defined by the PPC there were four pharmacies. These pharmacies provided pharmaceutical services including core and supplementary services. The Committee considered that the level of existing services provided allowed satisfactory access to pharmaceutical services within the defined neighbourhood. The Committee noted that demand for methadone services within the neighbourhood was low. The Committee therefore considered that the existing pharmaceutical services available within the neighbourhood were adequate.

The Committee was satisfied that no evidence had been presented by the Applicant, or had been made available to the Committee via another source which demonstrated that the services currently provided to the neighbourhood were inadequate.

The Committee noted:

- The neighbourhood was very affluent and had low health issues.

- There was good road access to the town centre from within the neighbourhood, the public transport service was frequent and there was high level of car ownership.
- Two pharmacies had recently undergone refits to a high standard and were now benefiting from increasing patient activity.
- The convenience of the town centre pharmacies to the medical centres.

Having regard to the overall services provided by the existing contractors within the vicinity of the proposed pharmacy, the number of prescriptions dispensed by those contractors in the preceding 12 months, and the level of service provided by those contractors to the neighbourhood, the committee agreed that the neighbourhood was currently adequately served.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Mr Kenny Irvine and Mr Alasdair MacIntyre and Board Officers were excluded from the decision process:

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was not necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

The Chemist Contractor Members of the Committee, Mr Irvine and Mr MacIntyre and Board Officers rejoined the meeting at this stage.

5. APPLICATIONS STILL TO BE CONSIDERED

The Committee having previously been circulated with Paper 2010/27 noted the contents which gave details of applications received by the Board and which had still to be considered. The Committee agreed the following applications should be considered by means of an oral hearing:

- Kasim Gulzar Ltd, 10 Cromdale Road, Port Glasgow PA14 6LP
- Sanjay Majhu, 11 Millersneuk Shopping Centre, Lenzie G66 5JD

6. MATTERS CONSIDERED BY THE CHAIR SINCE THE DATE OF THE LAST MEETING

The Committee having previously been circulated with Paper 2010/28 noted the contents which gave details of matters considered by the Chair since the date of the last meeting:

Change of Ownership

Case No: PPC/CO09/2010 – Sinclair Pharmacy Ltd, 310 Dumbarton Road, Old Kilpatrick G60 5LW

The Board had received an application from Lightburn Pharmacy Ltd for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Sinclair Pharmacy Ltd at the

above address. The change of ownership was effective from 1st October 2010.

The Committee was advised that the level of service was not reduced by the new contractor and that the new contractor was suitably registered with the Royal Pharmaceutical Society .

The Committee noted that the Chairman had granted the application, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

NOTED/-

7. APPLICATION TO AMEND MODEL HOURS OF SERVICE

The Committee having previously been circulated with Paper 2010/29 noted the contents:

Case No: PPC/ALT/01/2010 – Rowlands Pharmacy, 144 Balmore Road, Glasgow G22 6LJ

The Committee considered the application from Rowlands Pharmacy to extend their hours of service on Saturdays from 9:00am -12:30pm to 8:30am - 12:30pm.

The Committee noted that Area Pharmaceutical Committee, CP Subcommittee had considered this application and noted that the proposed new opening hours would still mean the contractor was not complying with Saturday model hours for opening, which was 9.00am to 1:00pm. The CP Subcommittee however, acknowledged that as opening hours were proposed to be changed to 8:30am they had no objection to this change of opening times on a Saturday.

The Committee supported the views of the CP Subcommittee and therefore approved Rowlands Pharmacy application to extend their Saturday opening hours.

APPROVED/-

8. PROVISION OF SERVICES OVER FESTIVE PERIOD 2010/11

The Committee having previously been circulated with paper 2010/30 noted the contents which gave details of proposed service provision over the coming Christmas and New Year period by the following contractors:

Wm Morrison Pharmacy at: 900 Crow Road, Anniesland G13 1JD; 117 Riverford Road, Newlands G43 1PU; The Triangle, Kirkintilloch Road, Bishopsbriggs G64 and Ravenswood Road, Baillieston G69 7HU.

Asda Stores Ltd at: 1 Monument Drive, Robroyston G33 1AD; The Forge Centre, Parkhead G31 5AD and Phoenix Retail Park, Linwood PA1 2AB

The Committee accepted pharmacies closing on the public holiday days however they noted that Wm Morrison had applied to close at 5:00pm on Christmas Eve and Hogmanay. These were both normal service days and contractors were expected to comply with model hours.

Following discussions with Mr Fraser Frame, Morrison's Pharmacy, the application was amended to indicate that Morrison's would seek to close from 5.30pm on both dates. Consequently the Committee approved this request on this understanding

**Deputy Lead
- Community
Pharmacy
Development**

9. PPC DATES FOR 2011

The Committee having previously been circulated with paper 2010/31, supported the proposal to establish a diary of PPC meeting dates over the coming calendar year. The Committee recognised this would improve future meeting arrangements and requested that two meetings a month should be planned on the Thursdays of week one and three of the month. The Secretariat was asked to revise the paper and re-present it to the Committee for final approval.

**Contracts
Supervisor**

10. ANY OTHER COMPETENT BUSINESS

There were no matters raised.

11. DATE OF NEXT MEETING

Thursday 4th November 2010.