

NOT YET ENDORSED AS A CORRECT RECORD

Paper No: 05/57

Pharmacy Practices Committee (03)

Minutes of a Meeting held on

Tuesday 7th June 2005

Seminar Room, Homoeopathic Hospital, Great Western Road,
Glasgow, G12

PRESENT:	Andrew Robertson	Chairman
	Alan Fraser	Lay Member
	William Reid	Deputy Lay Member
	Prof W J McKie	Deputy Lay Member
	Dr James Johnson	Non Contractor Pharmacist Member
	Gordon Dykes	Contractor Pharmacist Member
	Alasdair Macintyre	Contractor Pharmacist Member
IN ATTENDANCE	Margaret Cluer	Family Health Services
	Janine Glen	Contractor Services Manager

Prior to the consideration of business, the Chairperson asked members 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.

No declarations of interest were made.

1. APOLOGIES

Apologies were received on behalf of Patricia Cox and David Thomson.

2. MINUTES

The Minutes of the meeting held on Tuesday 5th April 2005 **PPC[M]2005/02** were approved as a correct record.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

Janine advised the Committee that three appeals had been received objecting to the decision taken at the last meeting to grant Colin and Ann Fergusson's application to provide services at 194 (not confirmed)

ACTION

Petershill Road, Glasgow G21. Two of the appeals had been forwarded to the National Appeals Panel for their determination. The third appeal had been received outwith the statutory timescale contained in the Regulations, and as such the appellant had been informed that no action could be taken.

The Chairman enquired whether the National Appeals Panel would not look at all appeals submitted in connection of an application regardless of when they were received. Janine advised that the Regulations were quite clear in that only applications received within the statutory timescale could be accepted. Central Legal Office opinion had been sought on this issue in relation to a previous case, and this had confirmed that the Board could not accept any appeal received outwith the stipulated timescale.

Section 1 – Applications Under Regulation 5 (10)

4. APPLICATION FOR INCLUSION IN THE BOARD'S PHARMACEUTICAL LIST

- i) **Case No: PPC/INCL05/2005
M&D Green, Unit 2, Drumsagard Village, Hallside,
Cambuslang, Glasgow G72.7**

The Committee was asked to consider an application submitted by M&D Green, to provide general pharmaceutical services from premises which will be situated at Unit 2, Drumsagard Village, Hallside, Cambuslang, Glasgow G72.7 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 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 Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had unanimously agreed that it was unnecessary

to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from M&D Green, agreed with the initial decision and reiterated that the application could be determined based on the written representations and that an oral hearing was not required.

The Committee members had individually made visits to the site at Unit 2, Drumsagard Village, Hallside, Cambuslang, Galsgow G72.7

The Committee considered views and representations received from:

- a) Chemist contractors within the vicinity of the applicant's premises namely:
Moss Pharmacy – 233 Hamilton Road, G72.7.
- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee);
- d) the Area Pharmaceutical Committee, NHS Lanarkshire;
- e) Lloyds Pharmacy Ltd – 87 Main Street, Uddingston G71.1.

The Committee also considered:-

- f) The location of the nearest existing pharmaceutical services;
- g) Demographic information regarding post code sectors G72.7;
- h) Patterns of public transport ; and
- i) Greater Glasgow NHS Board plans for future development of services.
- j) Development and Regeneration plans for future development of services from Glasgow City Council and South Lanarkshire Council.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises to be situated at Unit 2, Drumsagard Village, Hallside, Cambuslang, Glasgow G72.7. The premises were not yet constructed, although the lease of the property was available to the applicant. Janine drew the Committee's attention to the file note of a conversation which had taken place with the property developer. Comments made during

this conversation seemed to suggest that the applicant may not be in a position to provide services within the timescale given on Form A (e.g. November 2005). It was suggested that building work would not commence on site until 80% of the units had been let. According to the developer the timescale for entry would be Spring 2006. The Committee discussed whether this information would cause them to reject the application as out of time. After a comprehensive discussion the Committee agreed that the application could be considered. There was no firm indication of any delay to building work, and if the 80% capacity was reached in a relatively short timescale the applicant would be able to provide services within their original timescale.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Division) at page 19 of the papers. The Committee noted that the applicant's proposed premises would be situated within a new industrial/retail facility which was adjacent to relatively new residential developments in the area. The area of Hallside lay beyond the area commonly known as Halfway, and before the boundary of Lanarkshire Health Board and South Lanarkshire Council. The Committee gave consideration to the merits of including the area of Halfway in the neighbourhood definition, as Halfway contained the nearest existing amenities to the applicant's proposed site. After a comprehensive discussion, the Committee agreed that the area of Halfway should not be included. Hallside was a residential area, comprising houses which were likely to attract second time buyers, young families, and professionals. The Committee agreed that most of the residents would have access to their own transport, given the distance of the various developments to the nearest amenities and urban areas. For this reason the Committee agreed that those living in Hallside would not consider themselves to live in the same neighbourhood as Halfway. The neighbourhood was therefore defined as: North – Village Road, South – Hamilton Road, East – Manse Brae, West – Hallside Road.

Having reached that conclusion the Committee were then required to consider the adequacy of existing pharmaceutical services in the defined 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 Committee there were no pharmacies. The Committee however did not agree that this in itself was justification to approve the application. It was agreed that the residents within the Hallside area would have made a conscious decision to move there in the full knowledge that they would need to travel outwith the area for most of their daily needs e.g. work,

GP, church, shops etc. The Committee believed that development within the area was too recent to have developed any significant demand for pharmaceutical services. The Committee therefore did not consider that the granting of the application was necessary.

The Committee considered the potential effect that the planned industrial/retail development may have on the area. They were aware that Tesco planned to open an Express store within the facility. The Committee considered how this would affect the topography of the area, and agreed that the opening of an Express facility would offer less of an opportunity of joining the Hallside and Halfway areas than a supermarket. The Tesco Express would in all probability continue to provide services to the relatively small population of Hallside with the residents of Halfway continuing to use the current amenities in their area.

Given this limited development the Committee did not feel that the granting of the application was desirable.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Gordon Dykes and Alasdair MacIntyre were excluded from the decision process:

In summary, the Committee concluded that the granting of an additional NHS contract for the premises to be situated at Unit 2, Drumsagard Village, Hallside, Glasgow G72.7, was not necessary or desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were situated.

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary. A majority decision by the Committee members agreed that the granting of the application was not desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the Greater Glasgow NHS Board's Pharmaceutical List at Unit 2, Drumsagard Village, Hallside, Glasgow, G72.7 for the provision of general pharmaceutical services be refused.

**Contractor
Services
Supervisor**

The chemist contractor members of the Committee rejoined the meeting at this stage.

- ii) **Case No: PPC/INCL06/2005
Pri-Tam Health Care Ltd, 606-608 Boydstone Road,
Carnwadric, Glasgow G46.8**

The Committee was asked to consider an application submitted by Pri-Tam Health Care Ltd, to provide general pharmaceutical services from premises which are situated at 606-608 Boydstone Road, Carnwadric, Glasgow G46.8 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 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 Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had unanimously agreed that it was unnecessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Pri-Tam Health Care Ltd, agreed with the initial decision and reiterated that the application could be determined based on the written representations and that an oral hearing was not required.

The Committee members had individually made visits to the site at 606-608 Boydestone Road, Carnwadric, Glasgow G46.8

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the applicant's premises namely:

Moss Pharmacy – 61B Main Street, Glasgow G46.8;
Eastwood Pharmacy – 11 Fieldhead Square, Glasgow G43.7;
and
Sinclair Pharmacy – 60 Kyleakin Road, Arden, Glasgow G46.8.
- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;

- e) Demographic information regarding post code sectors G43.1, G46.7 and G46.8;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) Development and Regeneration plans for future development of services from Glasgow City Council.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises to be situated at 606-608 Boydstone Road, Carnwadic, Glasgow G46.8. The premises were already constructed, and the applicant had satisfied the Board that they were in pursuit of the lease.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Division) at page 45 of the papers. The Committee noted the neighbourhood as defined by the Greater Glasgow Area Pharmaceutical GP Sub-committee and noted a typographical error in the south boundary, which should read "Nitshill Road" and not "Nithsdale Road". The Committee agreed in general terms with this definition as it marked clearly the physical boundaries within the area. The railway line to the north of the area acted as a physical barrier as did the railway line to the west. The Committee agreed that people living within the area would be unlikely to identify themselves as being part of any area beyond Speirsbridge Road and Nitshill Road formed a logical barrier to the South. The neighbourhood was therefore defined as: North – Railway Line, South – Nitshill Road, East – Speirsbridge Road, West – Railway Line.

Having reached that conclusion the Committee were then required to consider the adequacy of existing pharmaceutical services in the defined 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 Committee there were two pharmacies. One of these pharmacies was situated in close proximity to Thornliebank Health Centre, which acted as a major focus for the local community for the provision of general medical services. The Committee agreed that the neighbourhood

population would be well served by the existing pharmaceutical network which provided a full range of services including: Supervised Methadone, Needle Exchange, Domiciliary and Domiciliary Oxygen. The Committee therefore did not consider that the granting of the application was necessary.

The Committee considered the applicant's assertion that they would be willing to provide services for 400 methadone patients. After comprehensive discussion the Committee agreed that this number was somewhat excessive both from a safety aspect and taking into consideration the pharmacist's ability to provide services to all elements of the community.

The Committee looked at the prescription load figures given for the current pharmacies within the area, and considering the level of prescriptions dispensed over a 12 months period, agreed it would not be desirable to grant this application. While conscious that viability should not be a major consideration in their deliberations, the Committee were mindful of the overall effect that an additional contract could make to existing services in the area. The Committee agreed that taking all issues into consideration that it was not desirable to grant this application.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Gordon Dykes and Alasdair MacIntyre were excluded from the decision process:

In summary, the Committee concluded that the granting of an additional NHS contract for the premises to be situated at 606-608 Boydestone Road, Carnwadric, Glasgow G46.8, was not necessary or desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were situated.

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary or desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the Greater Glasgow NHS Board's Pharmaceutical List at 606-608 Boydestone Road, Carnwadric, Glasgow, G46.8 for the provision of general pharmaceutical services be refused.

**Contractor
Services
Supervisor**

The chemist contractor members of the Committee rejoined the meeting at this stage.

- ii) **Case No: PPC/INCL07/2005
Olayinka Ogunnoiki, 10 Yokermill Road, Glasgow G13.4**

The Committee was asked to consider an application submitted by Olayinka Ogunnoiki, to provide general pharmaceutical services from

premises which are situated at 10 Yokermill Road, Glasgow G13.4 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 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 Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had unanimously agreed that it was unnecessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Olayinka Ogunnoiki, agreed with the initial decision and reiterated that the application could be determined based on the written representations and that an oral hearing was not required.

The Committee members had individually made visits to the site at 10 Yokermill Road, Glasgow G13.4.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the applicant's premises namely:

Thistle Pharmacy – 2354 Dumbarton Road, Glasgow G14;
Munro Pharmacy – 764 Anniesland Road, Glasgow G14.0;
Moss Pharmacy – 47 Garscadden Road, Glasgow G15.7 and
48 North Elgin Street, Glasgow G81.4; and
- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding post code sectors G13.3, G13.4 and G15.8;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) Development and Regeneration plans for future development of services from Glasgow City Council.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises to be situated at 10 Yokermill Road, Glasgow G13.4 The premises were already constructed, and the applicant had satisfied the Board that they were in pursuit of the lease. The Committee noted the typographical error appearing on the papers and Janine confirmed that the premises were not situated in Clydebank as shown.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Division) at page 66 of the papers. The Committee noted the neighbourhood as defined by the Greater Glasgow Area Pharmaceutical GP Sub-committee and noted that the West boundary as defined "Argyll Road" could not be identified from the map. The Committee then looked at the neighbourhood definition given by the applicant, and agreed that this represented a logical area which contained most of the elements associated with a neighbourhood. The Committee agreed the neighbourhood to be: North – the Forth and Clyde canal as this represented a definite physical barrier; South – the railway line north of Dumbarton Road; East – Dyke Road from the railway line; West – This boundary follows the local authority boundary that separates North Yoker from Whitecrook. This boundary runs from the railway line from Mill Road, Millburn Avenue, the cull de sacs of Riddon Avenue, Hartree Avenue, Wirran Place, Reelick Quadrant and Reelick Avenue until it meets the northern boundary of the canal.

Having reached that conclusion the Committee were then required to consider the adequacy of existing pharmaceutical services in the defined 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 Committee there was one pharmacy. The Committee agreed that the neighbourhood population would be well served by the existing pharmaceutical network which provided a full range of services including Supervised Methadone. The committee noted that at present this pharmacy had suspended their NHS dispensing Contract due to a fire on the premises that had caused extensive damage. It was anticipated that the pharmacy would re-commence the provision of services from the premises within the next six months. In the meantime services had been transferred to two neighbouring pharmacies: 263 Alderman Road, Glasgow G13.3 and 764 Anniesland Road, Glasgow G14.0. Despite the current closure of this facility, the Committee did not consider that the granting of an additional contract was necessary.

The Committee were satisfied that the closure being temporary, would have limited effect on the adequacy of services within the neighbourhood the contractor involved had taken robust steps to ensure that patients suffered as little disruption during this time as possible. Given the temporary nature of the closure, the Committee were satisfied that services were adequate.

The Committee looked at the prescription load figures given for the current pharmacy within the area, and considering the level of prescriptions dispensed over a 12 month period, agreed it would not be desirable to grant this application.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Gordon Dykes and Alasdair MacIntyre were excluded from the decision process:

In summary, the Committee concluded that the granting of an additional NHS contract for the premises to be situated at 10 Yokermill Road, Glasgow G13.4 was not necessary or desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were situated.

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary. or desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the Greater Glasgow NHS Board's Pharmaceutical List at 10 Yokermill Road, Glasgow G13.4 for the provision of general pharmaceutical services be refused.

The chemist contractor members of the Committee rejoined the meeting at this stage.

5.

NATIONAL APPEALS PANEL DETERMINATIONS

**Contractor
Services
Supervisor**

The Committee having previously been circulated with Paper 2005/11 noted the contents which gave details of the National Appeal Panel's determination of appeals lodged against the Committee's decision in the following case;

- i) Brendan J Semple & James B Semple, 190 Mosspark Drive, Glasgow G52.

6 ANY OTHER COMPETENT BUSINESS

There was no other competent business.

7. DATE OF NEXT MEETING

Scheduled for Thursday 18th August 2005 at 1.30pm. Meeting Room 1, Divisional Headquarters, Glasgow G12 0XH

The Meeting ended at 2.50p.m.