NHS Greater Glasgow and Clyde

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (22)
Minutes of a Meeting held on
Monday 10th November 2008
Kings Park Hotel, Mill Street, Rutherglen,
Glasgow G73 2LX

PRESENT:	Mrs Agnes Stewart	Chair
	Professor Joe McKie	Lay Member
	Mr William Reid	Deputy Lay Member
	Mrs Kay Roberts	Deputy Non Contractor Pharmacist Member
	Mr Colin Fergusson	Deputy Contractor Pharmacist Member
	Mr Kenny Irvine	Deputy Contractor Pharmacist Member

IN ATTENDANCE:		
	Dale Cochran	Contracts Supervisor – Community Pharmacy Development
	Michelle Dunlop	Community Pharmacy Development Officer
	Janine Glen	Contracts Manager – Community Pharmacy Development
	David Thomson	Deputy Lead - Community Development Pharmacist

ACTION

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

There were no apologies.

2. MATTERS ARISING NOT INCLUDED IN AGENDA

None.

<u>Section 1 – Applications Under Regulation 5 (10)</u>

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

NHS Greater Glasgow and Clyde

Case No: PPC/INCL17/2008
Apple Pharmacy – 130 Westburn Road, Cambuslang, Glasgow G72 7SY

The Committee was asked to consider an application submitted by Apple Pharmacy to provide general pharmaceutical services from premises situated at 130 Westburn Road, Cambuslang, Glasgow G72 7SY under Regulation 5(10) of the National Health Service (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 Committee, having previously been circulated with all the papers regarding the application from Apple Pharmacy agreed that the application should be considered by oral hearing.

The hearing was convened under paragraph 2(2) of Schedule 3 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 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 Neeraj Salwan ("the Applicant"), assisted by Mr Sanjay Majhu. The interested parties who had submitted written representations during the consultation period and who had chosen to attend the oral hearing were Mr James McKeever (Lloydspharmacy), Mr Michael Doherty (Leslie Chemists) and Mr Charles Tait (Boots UK Ltd) ("the Interested Parties").

The Chair asked the Applicant and the Interested Parties to confirm that they were not appearing before the Committee in the capacity of solicitor, counsel or paid advocate. All confirmed they were not.

Prior to the hearing, the Panel had collectively visited the vicinity surrounding the Applicant's premises, pharmacies, GP surgeries and facilities in the immediate area and the surrounding areas of Halfway, Drumsagard and Cambuslang town centre.

The Committee noted that the Applicant provided access to the premises. The Committee was able to view the size and proposed layout of the pharmacy.

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

The Applicant's Case

Mr Salwan began his presentation by advising the Committee that Apple Pharmacy's defined neighbourhood was that known as the village of Westburn. This was a distinct village and was classified a regeneration area. The area had its own distinct boundaries which were:

North: the open countryside under the River Clyde;
East: open countryside east of Newton Farm Road;
South: the railway track;
West: Westburn Golf course.

Apple Pharmacy did not agree with the neighbourhood proposed by the Area Pharmaceutical Community Pharmacy Subcommittee as they considered the Subcommittee had failed to take three important factors into account:

1) The social divide between the two areas of Westburn and Hallside which had been mentioned in the National Appeal Panel's (NAP) decision of 9th January 2007 relating to Lloydspharmacy's application to establish a pharmacy at Drumsagard Village. New Road was marked by differences in the type of housing from older, principally local authority housing and newer, principally owner occupied. New Road was used as a boundary in the NAP decision.

2) Mr Salwan considered the NAP to be the true expert on neighbourhood boundary definition and in the above case they had decided the neighbourhood for Drumsagard was:

East: Manse Brae, which was a natural boundary bordering open ground;
North: the railway line which was a natural boundary bordering open ground;
South: Hamilton Road which was a major arterial route marked by differences in the type of housing;
West: New Road from its junction with Hamilton Road through the Light Burn to the railway line in the north.

The NAP had said that the new major development at Newton Farm fell into the Halfway neighbourhood yet they had cut their northern boundary

at Westburn Road. The Newton Farm development was above this road.

- Mr Salwan felt it interesting to note that Lloydspharmacy had used the exact same northern boundary in their case for Drumsagard. Mr Campbell of Lloydspharmacy stated at the NAP hearing. "*Referring to the map Mr Campbell indicated that the neighbourhood of Westburn is fairly small but distinct. There are clear geographical breaks between Westburn and the other communities in the area. The railway line south of Westburn divides Westburn from Drumsagard."*

3) The issue of accessibility. There were clear geographical barriers between the neighbourhood of Westburn and Halfway (and Hallside/Drumsagard). Mr Salwan suggested that on asking someone where they stayed they would be more likely to say Westburn than Halfway or Hallside. People in the area would not think themselves neighbours of people staying in Hallside, Drumsagard or Cambuslang. This was evidenced by the existence of Council erected signs clearly marking the entrance to the area as Westburn.

Mr Salwan advised that there was a very poor bus service operating in the area. First Group offered a limited service.

7/7a – Newton Village to Halfway. This service ran along Mill Road every 30 minutes during the week. There was no service after 6.00pm. A one hour service operated on Saturdays with no service on Sundays.

108/308 – 108 - One hour service only on Sundays. Operated only to Drumsagard Village. 308 – No service within Westburn. Service travelled directly to Drumsagard Village.

Other services operated also, however the coverage was not good. A round trip journey from Westburn to Cambuslang could take over an hour. With the bus fares starting at £2.50 this served as a deterrent to access to health care services.

In terms of developments, Mr Salwan point to the various new and proposed developments within the area. These included:

Newton Farm – large development over two phases. Phase 1 comprised 650 dwellings and community facilities, including a new footpath with links to the Clyde gateway, an enhanced play area and a community hall with changing facilities. Taking an average occupancy of three people per household gave an increase in population of 1,950.

Two new schools were planned for the area to take into account the increase in population.

Phase 2 of the development comprised 1,500 dwellings and

community facilities. Planning permission had already been granted for this Phase, although the exact details of the type of community facilities had still to be finalised.

Newton Grange – situated next to Newton Avenue at northern end of neighbourhood. Plans for 120 new family homes. This development has been completed and is occupied. Applying the aforementioned average would result in an increase in population of 360. Other developments at Overton Grange and Lairds Gate would result in a further increase of around 600.

Taking all developments into consideration, Mr Salwan purported that the increase in population would be in the region of 7,360. Mr Salwan suggested that Apple Pharmacy's application was made in response to the appetite shown to bring investment into the area. They were keen to improve the health and quality of life of the residents. They would also bring jobs to the area. The parade of shops where the proposed premises were situated was currently being developed by the landlord in response to the various residential developments on-going in the vicinity. Planning permission had been obtained for a nursery and another three retail units with parking.

The Area Pharmaceutical Community Pharmacy Sub-committee had suggested the proposed site to be quite isolated. Apple Pharmacy was in agreement with this assertion and pointed to the fact that the facility was used by the wider population of Westburn which was isolated from the rest of Cambuslang and the facilities available there.

The Applicant intended to take a 1,000 square foot site in the shop which would have its own entrance and be self contained. No planning permission was required for this. The landlord had already obtained planning permission for dedicated car park spaces at the front and side of the shop.

Mr Salwan advised the Committee that Westburn was a highly deprived area. Car ownership was low and public transport was poor. 2001 Census statistics showed there to be 877 persons resident in the data zone covering the area. 37% were income deprived compared with a Scottish average of 13.9%; 36.2% of the population was over 60 and collected pension credits, compared to a Scottish average of 19.8%; 59.1% lived in social rented houses, compared with a Scottish average of 29.4%; 28.7% were people who were employment deprived, compared to a Scottish average of 12.9% and 34.1% of women smoked while pregnant, compared with a Scottish average of 24.1%. These statistics were supported by the local Social Index of Multiple Deprivation score of 297 out of a possible 6078.

Mr Salwan then went on to address the inadequacy of the current service. He advised that 2001 Census showed the population of

Cambuslang as a whole to be in the region of 24,000. Mr Salwan was confident that this figure had increased in the intervening period. Within this area there was no pharmacy providing services on a Sunday. Apple Pharmacy intended to provide this service which would mean at least one pharmacy in Cambuslang engaging in services such as MAS (Minor Ailment Service) over a 7 day period.

Most of the Interested Parties who had commented on the application had said they were already providing services to the population of Westburn, but Mr Salwan suggested this to be inadequate if the population was unable to access these services. The four core elements of the pharmacy contract had one common element, in Mr Salwan's opinion, and that was the need for the patient to have face to face contact within the pharmacy. Currently this was not available within the Westburn area, with the current contractors relying on the provision of a collection and delivery service because the community was so isolated. Mr Salwan suggested that MAS and the PHS elements of Stop Smoking and EHC services could not be offered from the back of a van. Drivers delivering prescriptions could not be expected to offer professional advice.

Support for the pharmacy had been expressed by South Lanarkshire Council and the local councillor who had expressed his desire to increase health services in the Westburn area as residents had expressed concerns over the barriers to accessing such services currently.

Mr Salwan advised that in the past there had been three applications for new pharmacies in Cambuslang. Two had been made for the same site in Whitlawburn in South Cambuslang and one in Spittal. The Whitlawburn applications were refused as granting a contract in this area would have affected the viability of other contractors in the vicinity. The same could be said for the application in Spittal. Mr Salwan pointed out that as Westburn was so remote from the services currently provided by the existing network, the current business generated by the residents would be split across the other pharmacies in Cambuslang. Apple Pharmacy would service the current population and the new population would, in Mr Salwan's opinion, use all the available pharmacies, including the new pharmacy (because of its close proximity to the Circuit area) thus neutralising any loss of business. Granting a contract here compared to other areas would have minimal effect on other contractors than in any of the other contracts granted within Cambuslang to date.

The NAP in hearing a previous application for 151 Western Road, Cambuslang actually stated *"residents within a neighbourhood should not have to travel outwith the area for their day to day services or to the main shopping area of Cambuslang, which required a bus journey."*

At a NAP hearing in January 2007, a contract was granted to Lloydspharmacy for premises at Drumsagard Village. The Panel agreed – *"The nearest pharmacy is situated in Halfway at a distance of approximately 0.7mile from the premises. The pharmacy premises in Halfway are extremely compact with no room for growth to expand service and the Panel had been advised that the Alliance Pharmacy are seeking larger premises."*

Due to the size of the Consultation Room within the Halfway pharmacy there was little space for people to wait for prescriptions. The limited range of products available for sale inhibited the public's ability to purchase medicines and vitamin and mineral supplements for self-care. There was a step into the pharmacy but no ramp, which created a barrier to access for disabled people. This view was given two years ago and since then nothing had changed.

In view of the above and on the basis that there was no pharmacy in Westburn and that access to the existing pharmacies in Halfway and Drumsagard was difficult, Mr Salwan contended that it was necessary to have easier accessible facilities for Westburn residents. This was in keeping with existing Government initiatives and policies, including "Better Health, Better Care" and "Delivering for Health".

Mr Salwan asserted that the NAP had further considered that the distance the population of the neighbourhood would require to travel to obtain pharmaceutical services in Halfway was significant and challenging, particularly for those such as young mothers with pushchairs, the disabled and others without transport. For the reasons set out above, the Panel considered that the existing pharmaceutical service in the neighbourhood was inadequate. In examining this, Mr Salwan pointed out that the same was true for Westburn. The distance the population required to travel to access pharmacy services in Drumsagard Village and Halfway was even more significant and challenging with a distance of 1.5 miles to Boots/Alliance in Halfway and 2 miles to Lloyds in Drumsagard. The two access roads to the pharmacies would be difficult to travel on foot for most and would be impossible for the disabled, elderly and mothers with prams. The Old Mill part of Mill Road was very narrow and poorly lit and required pedestrians to walk above a road bridge which was very steep on both sides. Once Halfway was reached parking was limited. The same was true of Lloydspharmacy in Drumsagard Village. Walking required negotiation of a fairly steep road in Newton Station Road and then the very steep hill of Hallside Boulevard. Patients were not likely to walk to Lloydspharmacy in Drumsagard. The whole development was geared more towards car access with its location on a very busy roundabout at Hamilton Road. Mr Salwan advised that he had already demonstrated the poor nature of public transport services in the area.

In conclusion, Mr Salwan advised that the neighbourhood was

currently crying out for new services. He contended that the new developments in the area would undoubtedly place additional pressure on the existing pharmacy network and the only way to alleviate this was for an additional contract to be granted.

The Interested Parties Question the Applicant

In response to questioning from **Mr McKeever**, the Applicant disagreed that the new developments within the area would significantly affect the level of deprivation in the area. He contended that those living in the area of Westburn would not be able to afford the housing in the new developments and while those coming in to the area may be considered to be more affluent, they would nevertheless require to access pharmaceutical services.

In response to further questioning from Mr McKeever, the Applicant confirmed the sign marking the entrance to Westburn was situated just before Mill Road. He was not aware of a sign coming in from the other direction.

In response to further questioning from Mr McKeever, the Applicant confirmed that he had calculated that a round trip to access current services could take over one hour depending on the mode of transport used. He could not say that the residents of the new developments would not walk to access services. Mr McKeever also asked about the level of car ownership within the new development. The Applicant agreed that a significant number of households in the new developments would have access to a car.

In response to further questioning from Mr McKeever, the Applicant confirmed that the area known as Westburn had been in existence for many years and that the parade of shops had been situated in its present location for over 25 years. He asserted that there had been no previous application for this area as there had been no available premises.

In response to further questioning from Mr McKeever, the Applicant confirmed that he had placed a petition in the shop on Sunday which had attracted several signatures of support. This had continued on Monday. He pointed to this as evidence of inadequacy within the area. He could not say how many signatures would be expected if the neighbourhood was asked if they would like a Post Office in the area. He confirmed that he did have letters from residents regarding the inadequacy of services but had not entered these as formal evidence in his case.

In response to questioning from **Mr Doherty** regarding where he would walk to access services if he lived in the Circuit area, the Applicant advised that due to the new developments and the waiting times in the

existing pharmacies, residents would have a choice of where to access services. As there was currently no services available on Sundays residents would be more likely to travel to Westburn.

In response to questioning from **Mr Tait**, the Applicant confirmed that the area known as The Circuit was included in his neighbourhood.

The PPC Question the Applicant

In response to questioning from **Professor McKie,** the Applicant advised that in his opinion the new developments would result in an increase in population of around 7,360 based on occupancy of three per household.

In response to further questioning from Professor McKie, the Applicant confirmed the bus services operating in the area.

In response to questioning from **Mr Reid**, the Applicant confirmed that there was bus service running from Westburn to Cambuslang Main Street and that this operated every 35 minutes.

In response to further questioning from Mr Reid, Mr Salwan accepted that the Committee's census population figures for the data-zone in which the proposed premises were situated were approximately 1,500. He asserted however that the new developments within the area could potentially increase this to over 7,000.

In response to further questioning from Mr Reid, Mr Salwan confirmed that the proposed premises would be 1,000 square foot and that the proposed opening hours were Monday – Saturday: 9.00am – 6.00pm, Sunday – 12.00pm – 4.00pm.

In response to questioning from **Mr Irvine**, the Application confirmed that the new developments would not include retail units. He explained that this was why the shops at Westburn were being developed, to address the demand which would generate from the new population.

In response to further questioning from Mr Irvine, the Applicant confirmed that planning permission for the development of the shops in Westburn had been obtained in 2005. It was only now that the landlord had all arrangements in place to progress the development.

In response to further questioning from Mr Irvine, the Applicant confirmed that the new pharmacy would have minimum impact on existing contractors. He had said during his presentation that residents within the new Newton Farm development would be able to use any of the existing pharmacies. The residents would have a choice which was not available at the moment.

In response to questioning from **Mr Thomson**, the Applicant confirmed that the Post Office, currently not operational, would re-open within the Westburn shops. This had been confirmed today just after the Committee had visited the premises. He further confirmed that he was unaware of any road developments planned for the area.

In response to further questioning from Mr Thomson, the Applicant confirmed, following discussions with the main developers, that the new housing developments would continue despite the current economic climate.

In response to questioning from **Mrs Roberts**, the Applicant clarified his comments around Phase 2 of the Newton Farm development. He confirmed that all components of Phase 2 had successfully obtained planning permission. The only outstanding details related to the exact nature of the community facilities.

Mrs Roberts advised the Applicant that the 2001 Census statistics showed the population of the post-code sector to be 9,927. This would mean a current population per pharmacy statistic of 50% below the Health Board average. When asked if he agreed that this would suggest an over provision in the area, the Applicant advised that he had conducted extrapolations taking into consideration the increase in population that would result from the new developments and that he was confident this would result in the population per pharmacy rising above the Health Board average.

In response to questioning from **Mr Fergusson**, the Applicant confirmed that plans had been drawn up for the premises. The main door of the premises would be re-opened to allow the pharmacy to have a separate entrance from the convenience store. A partition wall would run the length of the premises. The Applicant felt there was less need for stock facilities due to the frequency of deliveries made by wholesalers.

In response to final questioning from Mr Fergusson, the Applicant confirmed that the pharmacy would have a Consultation Room and that it would be fully DDA compliant.

There were no questions to Mr Salwan from Chair.

The Interested Parties' Case – Lloydspharmacy (Mr James McKeever)

Mr McKeever commenced his presentation by thanking the Committee for giving Lloydspharmacy the opportunity to make representation regarding the application. He advised that the neighbourhood was difficult to define in Cambuslang. He knew the area well and that he considered it difficult to define a neighbourhood. Was Cambuslang as

a whole a neighbourhood? Or should it be divided into smaller parcels. It wasn't clear. Mr McKeever asserted that Westburn was not part of Newton Grange/Newton/the Circuit. He confirmed that South Lanarkshire Council had demarked neighbourhoods, but questioned whether these were "pharmaceutical neighbourhoods". Within some of these neighbourhoods there were no schools.

He advised that there was no demand for pharmaceutical service within Westburn and there hadn't been for 40-50 years. There were adequate services already provided in Cambuslang. The population moved freely up to Cambuslang town centre. He asked the Committee to define the neighbourhood as Westburn. This joined other neighbourhoods, within which services were currently provided. There were no inadequacies.

He advised that the NAP had granted Lloydspharmacy a contract at Drumsagard Village. This pharmacy had opened just a year ago and it served the residents of Newton as well as Drumsagard. The pharmacy had capacity to take on more business.

He advised that two panels of experts (the Area Pharmaceutical Community Pharmacy Sub-committee and the APC – Lanarkshire) had said that current services were adequate. He suggested that if the opening hours currently provided by the existing network were inadequate, he was confident that the Health Board would take steps to address this through the existing network. This would be easier than granting an additional contract.

Mr McKeever concluded that the Applicant had not provided evidence of inadequacy within the neighbourhood. The Applicant had not produced any letters from Councillors or patients regarding perceived inadequacy or difficulty in accessing services. The only information around perceived inadequacy had come from the landlord of the proposed premises and Mr McKeever suggested that this was too weak to show inadequacy. He urged the Committee to reject the application as neither necessary nor desirable.

<u>The Applicant Questions McKeever</u>

In response to questioning from the Applicant, Mr McKeever confirmed that he did not know where the children of Newton, Halfway and Drumsagard went to school. In response to the Applicant's assertion that they were educated in Westburn, Mr McKeever suggested that it wasn't unusual for children to travel to other neighbourhoods for schooling.

In response to questioning from the Applicant, Mr McKeever confirmed there was no bank or GP in Drumsagard. He agreed with the Applicant that Westburn was similar in some respects to Drumsagard but

reiterated that Westburn had existed for over 40 years with the population always having to travel outwith the area to access amenities and services. Drumsagard was a new development.

In response to further questioning from the Applicant, Mr McKeever confirmed that the population of Westburn would travel to Drumsagard either by car or public transport.

There were no questions to Mr McKeever from either Mr Doherty or Mr Tait.

The PPC Question McKeever

In response to questioning from **Mr Thomson**, Mr McKeever defined his neighbourhood as Westburn, which comprised the area between the two South Lanarkshire signs demarking the area.

In response to further questioning from Mr Thomson, Mr McKeever confirmed that Lloydspharmacy operated a collection and delivery service to residents in this neighbourhood as well as other areas.

In response to questioning from **Mr Irvine**, Mr McKeever confirmed that most of the patients using Lloydspharmacy in Drumsagard originated from Drumsagard Village itself. Some travelled from Hamilton Road or Newton. Although some of the population of Westburn travelled to the pharmacy and used the pharmacy on Hamilton Road, most would opt to use the services in Cambuslang town centre.

In response to questioning from **Mr Reid**, Mr McKeever confirmed that he did not agree with the neighbourhood defined by the Applicant. There was a social divide within the defined area. One part was more affluent than the other, and he considered the Applicant's neighbourhood to be more of a contrivance for the purpose of the application.

There were no questions to Mr McKeever from Mr Fergusson, Mrs Roberts, Professor McKie or the Chair.

The Interested Parties' Case – Leslie Chemists (Mr Michael Doherty)

Mr Doherty commenced his presentation by thanking the Committee for giving him the opportunity to make representation regarding the application. He advised that he did not believe the application satisfied the necessary or desirable test under Regulation 5 (10).

Mr Doherty asserted that the G72.7 post-code area (within which the Applicant's proposed premises lay) was one of the best serviced areas

in Greater Glasgow. He agreed with Mr McKeever that Westburn could not be tagged on to the Circuit or Newton areas. He advised that the services offered on Westburn Road were a small convenience store and a pub. There was no doctor's surgery, no dentist, no optician, no place of worship or no post office. All of these services were offered on the Main Street. The people of Westburn Road and surrounding streets had to come to the Main Street in Cambuslang to carry out all of their day to day activities. Westburn Road was only a short walk from the Main Street.

The Area Pharmaceutical Committees of NHS Lanarkshire and NHS Greater Glasgow and Clyde had put forward slightly differing opinions on the neighbourhood; however both showed how rural the area was with no GP surgeries within either defined neighbourhood.

He advised that within the Cambuslang area there were currently five community pharmacies. All the core elements of the pharmacy contract were adequately supplied within the area. Leslie Chemists were open from 9.00am - 6.00pm – Monday – Friday; 9.00am – 5.00pm – Saturday. Leslie Chemists were successfully implementing MAS and PHS (Public Health Services). He had three full time pharmacists at all times, one of which undertook the delivery of potential new prescriptions e.g. new oxygen patients, changes in inhaler type, changes in compliance aid medication etc. His pharmacies provided domiciliary oxygen therapy, heart failure patients support, emergency hormonal contraception, smoking cessation, head lice treatment, compliance pack aids, methadone supply, and care home schemes. Mr Doherty also provided a full collection and delivery service from all local surgeries with two full time delivery drivers working throughout the area.

Mr Doherty advised that there was ample parking on the Main Street. The pharmacy at 222 Main Street had parking facilities to the rear of the building. Both pharmacies would engage in new service requirements as and when implemented by the Health Board.

Mr Doherty advised that the Applicant's assertion that there was inadequacy in the area was completely unfounded. He suggested that there were few other areas within the Board's boundaries which were as well served by pharmacies as the Cambuslang area. The application would not add anything to the services that were already provided in the area.

Mr Doherty asserted that the application showed a census population of 1,539 with a new development of 139 units at Newton Farm. Apple seemed to suggest that this would double the population of the area. Mr Doherty considered this to be an over exaggeration on the Applicant's part. Mr Doherty suggested the potential increase to be in the region of 350. This increase would in no way stretch the

pharmaceutical services already in the area.

In conclusion, the contract application was not necessary or desirable. Cambuslang did not have any gaps in pharmaceutical care and he proposed that the Board reject the application.

The Applicant Questions Mr Doherty

In response to questioning from the Applicant, Mr Doherty confirmed that pharmaceutical services were offered to residents in Westburn Road. His two pharmacies offered services to the whole of Cambuslang.

In response to further questioning from the Applicant, Mr Doherty confirmed that his pharmacies provided a collection and delivery service. He did not agree that he had to offer this service because the current services in the neighbourhood were inadequate. He did not consider there to be inadequacy, his pharmacies provided services to the total population.

In response to further questioning from the Applicant, Mr Doherty confirmed that none of the current pharmacies were open on a Sunday. He did not consider this to be a barrier to MAS and PHS. He agreed with Mr McKeever's assertion that the Health Board would address any identified shortfalls in service through the existing network.

In response to further questioning from the Applicant, Mr Doherty advised that he did not have sympathy with the view that pharmaceutical services should always be provided at the heart of the community.

In response to final questioning from the Applicant, Mr Doherty advised that it would take a resident living in Westburn approximately 20-25 minutes to walk to Main Street. A less able person would take longer perhaps 30 minutes. He agreed that the walk would be more difficult for a disabled person.

There were no questions to Mr Doherty from either Mr McKeever or Mr Tait.

The PPC Question Mr Doherty

In response to questioning from **Mr Reid**, Mr Doherty confirmed that Leslie Chemists employed two full time drivers who conducted deliveries throughout the Cambuslang area including Westburn. He could not quantify what percentage of deliveries were made in Westburn.

In response to a question from **Mrs Roberts** regarding whether he could provide evidence of adequacy within the area, Mr Doherty asserted that the population of Cambuslang would be quick to voice their concerns if there was deficiencies in the service.

In response to questioning from **Mr Fergusson**, Mr Doherty confirmed there was a Dial-a-Bus service operating within the Cambuslang area.

There were no questions to Mr Doherty from Professor McKie, Mr Irving, Mr Thomson or the Chair.

The Interested Parties' Case – Boots UK Ltd (Mr Charles Tait)

Mr Tait advised the Committee that he agreed that Westburn is a single entity. A distinct population who obtained their services from outwith their community, including schools, banks, and pharmacy.

Mid 2007 estimates put the population of the area at around 1,700. This showed no dramatic increase as suggested by the Applicant. This increase would slow further due to the current economic climate.

Mr Tait advised that the provision of pharmaceutical services into semi-rural areas was adequate if sufficient access existed. He confirmed that the average travelling time from Westburn to a GP surgery was three minutes. Travel time to a pharmacy was similar. He did not consider this to be inadequate. The application should fail.

The Applicant Questions Mr Tait

In response to questioning from the Applicant, Mr Tait advised that the residents of Westburn would not obtain their general grocery shopping from the shop in Westburn Road. This was a local shop. They would access their general grocery shopping from Morrison's.

In response to further questioning from the Applicant, Mr Tait disagreed that residents from Halfway and Drumsagard would access services at the proposed premises. He further disagreed that the population of Westburn were forced to continue to travel outwith the area to access services because previously there had been no suitable premises available to allow an application for a new pharmacy to be submitted.

In response to further questioning from the Applicant, Mr Tait confirmed that Alliance Pharmacy operated a collection and delivery service to the Westburn area. He further agreed that the Westburn area did not have services within it, but pointed out that there were adequate services provided to the population.

There were no questions to Mr Tait from either Mr McKeever or Mr

Doherty.

The PPC Question Mr Tait

In response to questioning from **Mr Irvine**, Mr Tait confirmed that he did not believe in Model Hours, although he understood the provisions of the current Scheme.

In response to questioning from **Mr Thomson**, Mr Tait confirmed that the rebranding exercise for the Boots UK Ltd pharmacies in Cambuslang would be completed by next summer. He further confirmed that the rebranded pharmacies would continue to provide a collection and delivery service.

In response to questioning from **Mrs Roberts**, Mr Tait agreed that the new pharmacy would only be used by the residents of Westburn. This would decrease the population per pharmacy. The pharmacy was unlikely to serve the total population of Cambuslang as most people in Westburn would be registered with GPs in Cambuslang and would continue to have to travel to the town centre for their other amenities

Summing Up

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

Mr Tait advised that the area had quite clear boundaries. The small population within this area had reasonable access by bus, car, taxi and foot to existing services. The provision of services were adequate.

Mr Doherty advised that he believed Westburn to be a village which was not big enough to sustain its own services. Residents had to travel outwith the area to access all amenities. There were no gaps in pharmaceutical service. The application should be rejected.

Mr McKeever advised that Lord Drummond Young's judgement required the Committee to firstly define the neighbourhood. He accepted that in this case definition of neighbourhood was difficult. Was it Westburn Village? Or Cambuslang in its entirety? Regardless of the neighbourhood defined, the population in Westburn required to travel to access services.

The second question for the Committee to determine was one of adequacy. There were no services within the area; however there were adequate services provided outwith. The Applicant had pointed to future probable development. Would they go ahead? There was no actual evidence of inadequacy. There was no need or desirability. The application failed at that point.

Mr Salwan advised that it was clear that Westburn was a separate neighbourhood and one that currently lacked pharmaceutical services. It had a school, post office and community services which were shared with the residents of the Newton area.

The Applicant's proposed site was already very well established and very well used by all parts of the neighbourhood in Westburn. He advised that even if the Committee decided that Newton was not part of the neighbourhood, there would still be a population of more than 2,000. He advised that he had placed a petition within the convenience store one day earlier which had already garnered over 170 signatures. The owner of the store had been in business in the area for more than 25 years and was aware of the views of the residents. Mr Salwan considered there to be a potential population explosion in nearby Newton Village which would create an extra burden on the already very busy pharmaceutical services. The Applicant aimed to alleviate this strain and help improve the pharmacy services to the neighbourhood.

Mr Salwan advised that Lord Drummond Young required the decision maker to address the issue of adequacy of existing provision to serve the neighbourhood in question. In addressing the question, however it was Lord Drummond Young's opinion to have regard to probable future developments for two reasons. Firstly the standard of adequacy in a particular neighbourhood would obviously change in time. The relevant neighbourhood may change, for example through construction of new housing developments or the movement of population out of inner city areas. Likewise changes inevitably occur in pharmaceutical practice and the standard of adequate pharmaceutical provision must accordingly develop over time. Mr Salwan thought such consideration was necessary to secure adequate services for the future of this neighbourhood. He considered he had proved there was an inadequacy on Sundays. There was no pharmacy within the current network open on this day. The growing population and poor public transport network added an additional barrier to access. A new contract was therefore necessary and desirable.

Before the Applicant and Interested Parties left the hearing, the Chair asked each to confirm that he had had a full and fair hearing. All confirmed that they had.

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 forward before them, the PPC also took into all 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;

b) The NHS Greater Glasgow & Clyde Area Pharmaceutical Community Pharmacy Subcommittee;

c) The Greater Glasgow & Clyde Area Medical Committee (CP Sub-Committee);

d) The NHS Lanarkshire Area Medical Committee;

e) The NHS Lanarkshire Area Pharmaceutical Committee.

The Committee also considered;-

f) The location of the nearest existing pharmaceutical services;

g) Demographic information regarding G72.7;

h) Information from South Lanarkshire Council's Department of Planning and Roads regarding future plans for development within the area; and

j) NHS Greater Glasgow and Clyde plans for future development of services.

Prior to consideration of the Application, Mrs Glen referred the Committee's attention to Page 17 of the papers for consideration. The last paragraph of NHS Lanarkshire Area Pharmaceutical Committee's written representation should read "neither" instead of "either".

DECISION

Having considered the evidence presented to it, and the PPC's observation from the site visits the PPC had to decide firstly the question of the neighbourhood in which the premises to which the application related, were located.

The Committee considered the various neighbourhoods put forward by the Applicant, the Interested Parties and the Community Pharmacy

Subcommittee in relation to the application and taking all information into consideration, the Committee considered that the neighbourhood should be defined as the area commonly known as Westburn.

South: the railway line;
East: Newton burn following the burn north to the River Clyde;
North: the River Clyde, travelling west to Mill Road;
West: Mill Road, travelling along Old Mill Road to its junction with the railway line.

The Committee considered this to be a logical neighbourhood. The railway line formed a physical boundary on two sides. The burn and River Clyde were also physical boundaries, which were compounded on the north by open countryside just to the south of the River Clyde. Mill Road marked delineation between mainly residential and industrial land.

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 no pharmacies. Within Cambuslang as a whole, however there were currently five pharmacies, one of which was a relatively new contract granted to meet the demand of the new development at Drumsagard Village. These pharmacies provided the full range of pharmaceutical care services including supervised methadone. The Committee considered that the level of existing services ensured that satisfactory access to pharmaceutical services existed within the defined neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate.

The Committee took into consideration comments made by the Applicant regarding the potential workload that would be placed on the current pharmacies from the various new developments in the area. The Committee did not share the Applicant's view that the workload would be too onerous or that the contractors would be unable to cope with the demand placed upon it by patients who would come into the area from the new residential developments.

Residents living within the defined neighbourhood were required to travel outwith the area to access all services, other than basic provisions. They moved freely within the area and to Cambuslang

town centre which served as the focal point for the community. Within Cambuslang town centre there were three pharmacies situated in close proximity.

The Committee was satisfied that no evidence had been produced 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.

Having regard to the overall services provided by the existing contractor within the vicinity of the proposed pharmacy, the number of prescriptions dispensed by that contractor in the preceding 12 months, and the level of service provided by that contractor 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 Colin Fergusson and Kenny Irvine 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.

Contractor Services Supervisor

The Chemist Contractor Members of the Committee Colin Fergusson and Kenny Irvine and Board Officers rejoined the meeting at this stage.

5. NATIONAL APPEALS PANEL DETERMINATION

The Committee having previously been circulated with paper 2008/57 noted the contents which gave details of the National Appeals Panel's determination of appeals lodged against the Committee's decision in the following cases:

Mr Mohammed Khalik Jamil & Mrs Farhat Jamil – 219/221 St Andrews Road, Glasgow G41 1 PD (Case No: PPC/INCL06/2008)

The Committee noted that the National Appeals Panel had refused the Appeal submitted against the PPC's decision to refuse Mr & Mrs Jamil's application to establish a pharmacy at the above address. As such the Applicants' names were not included in the Board's

Provisional Pharmaceutical List, and the file on the application had been closed.

Mr David Liston – 6 Lamlash Crescent, Cranhill, Glasgow G33 3LQ (Case No: PPC/INCL07/2008)

The Committee noted that the National Appeals Panel had dismissed the Appeal submitted against the PPC's decision to refuse Mr Liston's application to establish a pharmacy at the above address. As such the Applicant's name was not included in the Board's Provisional Pharmaceutical List, and the file on the application had been closed.

Mr Mohammed Yousaf Ahmad - 328 Westmuir Street, Glasgow G31 5BY (Case No: PPC/INCL08/2008)

The Committee noted that the National Appeals Panel had dismissed the Appeal submitted against the PPC's decision to refuse Mr Ahmad's application to establish a pharmacy at the above address. As such the Applicant's name was not included in the Board's Provisional Pharmaceutical List, and the file on the application had been closed.

Apple Pharmacy – Level 1, The Hub Complex, University of Glasgow, Hillhead Street, Glasgow G12 8QE (Case No: PPC/INCL10/2008)

The Committee noted that the National Appeals Panel had dismissed the Appeal submitted against the PPC's decision to refuse Apple Pharmacy's application to establish a pharmacy at the above address. As such the Applicant's name was not included in the Board's Provisional Pharmaceutical List, and the file on the application had been closed.

6. National Appeal Panel – Hearings Granted

The Committee having previously been circulated with paper 2008/58 noted the contents which gave details of the National Appeals Panel's reasons for calling oral hearings.

NOTED/-

7. ANY OTHER COMPETENT BUSINESS

None.

8. DATE OF NEXT MEETING

The next scheduled meeting would take place on Friday 21st November 2008.