NHS Greater Glasgow and Clyde

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (20)
Minutes of a Meeting held on
Monday 27th October 2008
Meeting Room, Homoeopathic Hospital, Great Western Road
Glasgow G12 0XH

PRESENT:	Mr Peter Daniels	Vice Chair
	Mr William Reid	Deputy Lay Member
	Mrs Charlotte McDonald	Deputy Lay Member
	Mrs Jean Coote	Deputy Non Contractor Pharmacist Member
	Mr Colin Fergusson	Deputy Contractor Pharmacist Member

IN ATTENDANCE:	Dale Cochran	Contracts Supervisor – Community Pharmacy Development
	Janine Glen	Contracts Manager – Community Pharmacy Development
	Robert Gillespie	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. MINUTES

The Minutes of the Pharmacy Practices Committee held on Wednesday 20th August 2008 **(PPC[M]2008/15)**, Friday 22nd August 2008 **(PPC[M]2008/16)**, Monday 25th August 2008 **(PPC[M]2008/17)**, Monday 1st September 2008 **(PPC[M]2008/18)** and Tuesday 9th September 2008 **(PPC[M]2008/19)** were agreed as an accurate record.

3. MATTERS ARISING NOT INCLUDED IN AGENDA

None.

Section 1 – Applications Under Regulation 5 (10)

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

Case No: PPC/INCL15/2008
Lloydspharmacy Ltd – Unit 5, 484/507 Glasgow Road, Clydebank, Glasgow G81 1JP

The Committee was asked to consider an application submitted by Lloydspharmacy to provide general pharmaceutical services from premises situated at Unit 5, 484/507 Glasgow Road, Clydebank G81 1JP 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 Lloydspharmacy 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 Matthew Cox ("the Applicant"). The interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing were Mr Charles Tait (Boots UK Ltd), and Mr Gerry Hughes (Area Pharmaceutical Community Pharmacy Sub-committee) ("the Interested Parties").

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 Yoker, Whitecrook and Clydebank.

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 Party and the PPC to ask questions. The Interested Party then gave their presentation, with the opportunity for the Applicant and the PPC to ask questions. The Interested Party and the Applicant were then given the opportunity to sum up.

The Applicants' Case

Mr Cox began his presentation by thanking the Committee for giving Lloydspharmacy Ltd the opportunity to put forward their case for a new contract at the proposed premises. He advised the Committee that the defined neighbourhood was as follows:

North: the Railway line;
South: River Clyde;
West: Alexander Street;
East: Kelso Street/ Ferry Road to meet the river.

Mr Cox advised that this was a long thin neighbourhood, nevertheless it was characterised by geographical boundaries such as the railway line and the river. He advised that west of railway there were new developments while on the other side the developments were more established. Hence the Applicant felt this to be a reasonable neighbourhood.

He stated that the 2001 Census statistics put the population of the neighbourhood at 1,500 and that this figure would increase with the new housing in the area which planned 1,200 new homes as part of the Clydeside regeneration programme. He advised that leaving the new developments aside the population generated by the new developments, the core population remained significant.

Within the neighbourhood 57% did not have access to a car compared with a national average of 27%. 15% were said not to be in good health, compared to a national average of 9%, 44% were in rented accommodation, compared with a national average of 19%. This was a relatively deprived area. The population was not highly mobile and the proposed premises provided adequate access to pharmaceutical services. The site was to become the neighbourhood centre and other retailers were planned i.e. bookmakers, Greggs, a newsagent.

Within the area there was high density housing, schools and colleges which increased the population further.

In terms of existing services there were two current pharmacies situated to the east of the neighbourhood. The closest pharmacy was situated outwith the defined neighbourhood and served its own neighbourhood. The pharmacy was small, had no dedicated consultation area, and had a

narrow entrance which would prove difficult for wheelchair access.

Mr Cox advised that the issue was one of access. The existing services were more than half a mile away from the proposed premises and access to pharmaceutical services was not good. He asked that the application be approved.

The Interested Parties Question the Applicant

In response to questioning from **Mr Hughes,** Mr Cox agreed that there were several roads crossing the railway. He reiterated that he was not suggesting the railway to be a barrier, however as a neighbourhood had to be defined for the purposes of determining the application, he had chosen the railway as a defining factor as it was a significant geographical feature. He felt the neighbourhood would be too large if extended to the A82 trunk road. When asked why this neighbourhood would be too large, Mr Cox advised that the area would then take in other distinct neighbourhoods.

In response to further questioning from Mr Hughes around the services provided by Thistle Pharmacy, Mr Cox confirmed that Thistle Pharmacy would be unable to provide the services which required consultation with patients. He accepted that the provision of a dedicated consultation room was not a requirement of the pharmacy contract, but suggested there to be an assumption that the absence of a consultation room would restrict the level of service that could be provided. In response to Mr Hughes clarification Mr Cox agreed that this was his opinion.

In response to further questioning from Mr Hughes, Mr Cox confirmed that North Elgin Street was situated outwith the defined neighbourhood put forward by Lloydspharmacy. He did not agree that the neighbourhood had been drawn to preclude any other pharmacy being included.

Mr Hughes asked Mr Cox if the residents in the new houses would be more likely to be car owners. Mr Cox agreed that the types of housing would attract a slightly more affluent population who may have access to transport, however he considered that a significant number would still have no access to a car. Most of the new housing was flatted accommodation and not family housing. As such the housing would not attract those with multiple car ownership. He agreed that those buying new housing in the area would be slightly more affluent, but did not feel he could comment on whether their health would be better.

In response to questioning from **Mr Tait**, Mr Cox advised that he had drawn the boundaries to the neighbourhood by paying attention to the geographical features within the area. To the east Kelso Street formed a boundary beyond which the area was more established. To the west

lay Kilbowie Road which was in the Clydebank area. Both were part of their own neighbourhoods.

In response to further questioning from Mr Tait around the redevelopment in the area, Mr Cox explained that a proportion of the development was still to be undertaken and this would include a significant amount of social housing. Much of the development was already there. He confirmed his belief that in the present economic climate the chances of completion remained relatively certain. He reiterated that Lloydspharmacy's application was not based on the new housing being developed in the area, but on the existing population. He accepted that there would be an increased need with the new housing being developed.

Mr Tait asked Mr Cox if he had any evidence that the existing contractors in the area were experiencing pressure. Mr Cox advised that he was not aware of prescription volume in the area, but pointed to the lack of space in the nearest pharmacy and the absence of a dedicated consultation area.

The PPC Question the Applicant

In response to questioning from **Mr Fergusson**, Mr Cox confirmed that the proposed premises would provide the same type of services as those offered from the Lloydspharmacy branch in Alderman Road. He confirmed that he was not aware of the number of patients within the neighbourhood who accessed services from Alderman Road.

In response to further questioning from Mr Fergusson, Mr Cox confirmed that Lloydspharmacy operated a delivery service from its Alderman Road branch and that this covered a wide area.

In response to questioning from **Mrs Coote** regarding how the space within the proposed premises would be utilised, Mr Cox explained that the pharmacy would include a consultation room, and would include retail products. He expected the space to be used much the same as other Lloydspharmacy premises.

In response to further questioning from Mrs Coote, Mr Cox advised that he did not know if there were any plans to include community services within the neighbourhood centre.

In response to questioning from **Mr Reid**, Mr Cox advised that he felt the population of 1,500 to be reasonable on which to base an application for a new pharmacy. He advised that while the neighbourhood was narrow it contained a significant population that would only increase with the new developments.

In response to further questioning from Mr Reid, Mr Cox explained that

he felt the existing services to be inadequate for the population in terms of access. Access to services was restricted and as such not adequate.

In response to questioning from **Mrs McDonald**, Mr Cox advised that he did not know if there were local bus services operating in the area.

In response to a request from **the Chair** to provide a flavour of how Lloydspharmacy intended to utilise the space within the proposed premises given the significant size, Mr Cox advised that the company might not use all the space within the unit. There was an option to sub divide. There were no detailed plans at this stage.

There were no questions to Mr Cox from Mr Gillespie.

The Interested Parties' Case – Area Pharmaceutical Community Pharmacy Sub-committee (Mr Gerry Hughes)

Mr Hughes advised the Committee that he was attending the hearing as a representative of the Area Pharmaceutical Community Pharmacy Subcommittee. The Subcommittee had defined the neighbourhood as follows:

South: River Clyde;
North: Forth and Clyde canal;
West: Argyll Road;
East: Kelso Street/Ferry Road.

Subsequent to this, the Subcommittee had looked at the information at its disposal and recognised that within one mile of the Applicant's proposed premises there were four pharmacies on the north side of the river. They noted the redevelopment plans within the area and with their local knowledge decided it was not necessary or desirable to have a pharmacy at the proposed premises. He advised that the new housing in the area would attract a younger, more mobile population which would be healthier. The Subcommittee recommended that the application be refused.

The Applicant Questions Mr Hughes

In response to questioning from **the Applicant**, Mr Hughes advised that he did not know the population within the Subcommittee's defined neighbourhood.

In response to further questioning from the Applicant, Mr Hughes advised that the basis to the north boundary identified by the Subcommittee was that it was a geographical boundary which was relatively difficult to cross.

In response to final questioning from the Applicant, Mr Hughes advised that he did not feel that residents living near Yoker Sports Centre would consider themselves neighbours of those living near the golf course.

There were no questions to Mr Hughes from Mr Tait or any of the Committee.

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

Mr Tait advised that the Applicant's defined neighbourhood was interesting but reminded the Committee that the law surrounding definition of neighbourhood was correct. A neighbourhood was a place where those within it would consider themselves neighbours of others within it. A neighbourhood had a sense of place. Mr Tait asserted that the Applicant's defined neighbourhood cut through several neighbourhoods such as Clydebank and Yoker. Mr Tait advised that he believe the application was actually for Yoker, where there was already a pharmacy. He advised that Thistle Pharmacy was in the process of identifying new premises so that it could move. He advised the Committee that the owners of Thistle Pharmacy had asked him to mention in his presentation that they had not received notification of the application hence their absence from the oral hearing.

Mr Tait advised that he didn't believe the new development to the south and west of Dumbarton Road/Glasgow Road had much to do with the current view. Much of the proposals contained flatted accommodation and in the current economic climate there might be a delay to the completion of the development.

He reiterated that the proposed premises sat at the junction of two or three neighbourhoods.

Mr Tait stated that the application should fail.

The Applicant Questions Mr Tait

In response to questioning from **the Applicant**, Mr Tait confirmed his neighbourhood as being Alderman Road, Yokermill Road, and Mill Road. He did not consider the Applicant's proposed premises to be in this neighbourhood. He advised that those living near the proposed premises would consider themselves residents of Yoker despite living approximately 50 yards part the sign marking the beginning of Clydebank. He did not feel the services to be inadequate and did not feel the railway was a boundary.

There were no questions to Mr Tait from Mr Hughes.

The PPC Question Mr Tait

In response to questioning from **Mr Fergusson,** Mr Tait confirmed that Boots operated a delivery service from its branch in North Elgin Street, but not from Sylvania Way, Clydebank.

There were no questions to Mr Tait from Mrs Coote, Mr Gillespie, Mr Reid, Mrs McDonald or the Chair.

Summing Up

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

Mr Hughes advised that he had not heard anything to change his mind from the decision taken by his Subcommittee. Those buying houses within the new development would be younger, mobile, and healthier. They may not need a pharmacy as much as other elements of the population. The Applicant's neighbourhood was narrow. If railway was determined to be a barrier there were still existing services in the area. If the area were extended to the canal there were more existing contractors. Granting of the contract was not necessary or desirable.

Mr Tait advised that the proposed premises were at a junction of different neighbourhoods, but was in fact in Yoker. There were already existing services within the area. There was no indication of inadequacy.

Mr Cox advised that there had been some criticism of the definition of neighbourhood and asserted that in the absence of guidelines on how big a neighbourhood should be he had used social and geographical boundaries. He was confused over the definition of neighbourhood put forward by Boots UK Ltd and no realistic alternative had been suggested. He asserted that the railway was a boundary separating old and new developments. The proposed premises were situated in a development which was to be called a neighbourhood centre which would attract clientele from within and outwith the neighbourhood. The population had increased since 2001. The existing pharmacy to the east of the neighbourhood was tiny, cramped and to say was adequate would be stretching things.

Before the Applicant and the Interested Parties left the hearing, the Chair asked them to confirm that they 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).

The Committee also considered;-

d) The location of the nearest existing pharmaceutical services;

e) Demographic information regarding post-code sectors G13.4, G14.0 and G81.2;

f) Information from Glasgow City Council's Department of Development and Regeneration and Department of Road regarding future plans for development within the area; and

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

h) A map tabled by the Applicant showing the defined neighbourhood.

DECISION

Before considering the application, Mrs Glen was asked to provide the committee with clarification regarding the statement made by Mr Tait regarding Thistle Pharmacy and their non receipt of notification around the application.

Mrs Glen advised the Committee that a letter had been sent Recorded Delivery on 25 June 2008. No written representation was received from Thistle Pharmacy within the consultation process and as such and in accordance with the Regulations they were not invited to the oral hearing. A letter was sent to all existing contractors on 3 October 2008 advising that an oral hearing would take place and that the PPC may visit the pharmacies prior to the hearing. Dr William Wilson, owner of

Thistle Pharmacy contacted the Community Pharmacy Development Team on 23 October 2008 to advise that he had not received initial notification of the application. A copy of the signature form for the Recorded Delivery letter showed that it had been delivered and signed for by J Booth on 26 June 2008. Dr Wilson was provided with a copy of the signed receipt. The Board was satisfied that all reasonable steps had been taken to make the contractor aware of the application.

Having considered the evidence presented to it, and the PPC's observation from the site visits the PPC had to decide first 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 follows:

North: the railway line;
East: Kelso Street;
South: River Clyde;
West: Kilbowie Road.

The Committee considered the railway to be a boundary, not because it could not be crossed, but because it marked a change in socio-economic status. The housing to the north of the railway was different from that to the south. The River to the south was a significant natural boundary. Kilbowie Road was a major trunk road situated in the area known as Clydebank and Kelso Street marked the area commonly known as Yoker.

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 in 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 was one pharmacy. This pharmacy provided the full range of pharmaceutical services including supervised methadone. The Committee further noted that there were other additional pharmacies within the extended area that provided services. 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 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 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 Member of the Committee Colin Fergusson 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 Member of the Committee Colin Fergusson and Board Officers rejoined the meeting at this stage.

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

The Committee having previously been circulated with Paper 2008/49 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/COO10/2008 – Spateston Pharmacy, 27 Hallhill Road, Johnstone PA5 0SA

The Board had received an application from Mr Neeraj Salwan for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Spateston Pharmacy at the address given above. The change of ownership was effective from 1st September 2008.

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 of Great Britain.

Given the above, the Committee agreed that the application could be granted in terms of Regulation 4 of the current Pharmaceutical Regulations.

6. FESTIVE HOLIDAYS

The Committee having previously been circulated with Paper 2008/50 considered applications from the undernoted contractors seeking to provide services below the minimum required under the current Model Hours of Service Scheme:

- Morrisons – 900 Crow Road, Glasgow G13
- Morrisons – Ravenswood Road, Baillieston, Glasgow G69 7HU
- Morrisons – The Triangle, Kirkintilloch Road, Glasgow G64 2TR
- Morrisons – 117 Riverford Road, Glasgow G43 1PU

The contractors had applied to close at 5.00pm on 24th December 2008 and 31st December 2008.

DECIDED/-

The Committee agreed approval of the application.

7. APPLICATIONS STILL TO BE CONSIDERED

The Committee having previously been circulated with Paper 2008/51 noted the contents which gave details of applications received by the Board and which had still to be considered.

The Committee agreed the following application/s should be considered by means of the written representations:

Mr Razwan Shafi – 25 Main Street, Howwood, Paisley

8. NATIONAL APPEALS PANEL DETERMINATION

The Committee having previously been circulated with paper 2008/52 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:

Ms Arlene McLean & Mc Claudia Conetta, Unit C, 151 Western Road, Glasgow G72 8PE(Case No: PPC/INCL32/2007)

The Committee noted that the National Appeals Panel had refused the Appeal submitted against the PPC's decision to refuse Ms McLean &

Mc Conetta'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 Adill Sheikh, Albert Cross Ltd, 672 Eglinton Street, Glasgow G5 9RP(Case No: PPC/INCL01/2008)

The Committee noted that the National Appeals Panel had refused the Appeal submitted against the PPC's decision to refuse Mr Sheikh'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.

9. ANY OTHER COMPETENT BUSINESS

None.

10. DATE OF NEXT MEETING

The next scheduled meeting would take place on Monday 3rd November 2008.