

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (05)
 Minutes of a Meeting held on
 Tuesday 23 October 2012 at 9.45am in
 Parkland Country Club, Ayr Road, Newton Mearns, East Renfrewshire
 Glasgow G77 6DT

PRESENT:	Dr Catherine Benton	Chairperson
	Mr Alan Fraser	Lay Member
	Mrs Catherine Anderton	Deputy Lay Member
	Councillor Luciano Rebecchi	Deputy Lay Member
	Mr James Wallace	Non Contractor Pharmacist Member
	Mr Kenneth Irvine	Contractor Pharmacist Member
	Mr Ewan Black	Contractor Pharmacist Member
IN ATTENDANCE:	Richard Duke	Contracts Manager – Community Pharmacy Development
	Trish Cawley	Contracts Supervisor – Community Pharmacy Development

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

ACTION

No member declared an interest in the application to be considered.

Prior to the consideration of business, Mr Duke asked the Committee to give consideration to a document which the Applicant wished to table for inclusion in the oral hearing. The Committee considered:

- Mr Alasdair Shearer (Applicant) – sought to table fitting and fixture plans of the proposed premises. The Committee considered that the plans, while useful, were not crucial to the Committee’s determination of the application. The Committee declined the Applicant’s request to table the item. In reaching this decision, the Committee was comfortable that there would be no detriment to Mr Shearer’s case.

1. APOLOGIES

None received.

Section 1 – Applications Under Regulation 5 (10)

2. MINUTES

The minutes of the meeting held on Thursday 20th September 2012 PPC[M]2012/04 were approved as an accurate record.

3. MATTERS ARISING NOT INCLUDED ON AGENDA

There were no matters arising from the minutes.

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

Case No: PPC/INCL02/2012

Rowlands Pharmacy, Unit 2, Greenlaw Village, Newton Mearns, Glasgow G77 6NP

The Committee was asked to consider an application submitted by L Rowland & Co (Retail) Ltd to relocate pharmaceutical services from premises situated at 198b Harvie Avenue, Newton Mearns, Glasgow G77 6UT under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended.

The Committee had to determine whether the granting of the application was necessary or desirable to secure the adequate provision of pharmaceutical services in the neighbourhood in which the Applicant's proposed relocated premises were situated within.

The Committee, having previously been circulated with all the papers regarding the application from L Rowland (Retail) Ltd considered that the application should be considered by oral hearing.

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

The Applicant was represented in person by Mr Alasdair Shearer, who was assisted by Mr Michael Church. There were no Interested Parties in attendance.

Prior to the hearing, the Panel had collectively visited the vicinity surrounding the Applicant's proposed relocated premises, existing pharmacies, GP surgeries and facilities in the immediate area and surrounding areas including Newton Mearns, Crookfur and Greenlaw.

The procedure adopted by the Pharmacy Practices Committee ("the PPC") at the hearing was that the Chairperson asked the Applicant to make his submission. There followed the opportunity for the PPC to ask questions of the Applicant, with the Applicant then being given the opportunity to sum up.

The Applicant's Case

Mr Shearer thanked the Committee for providing him the opportunity to state L Rowland (Retail) Ltd's case.

He firstly stated he wished to confirm that this application had been made with the sole

intention of relocating their current contract from Harvie Avenue to the Greenlaw site. He clarified further by saying this was therefore not an application for an additional contract.

He advised that his neighbourhood boundary was defined as follows:

North: The northern perimeter extended along the railway line from M77 until the line met the A77, Ayr Road;

East: A77, Ayr Road;

South: Where the A77 (Ayr Road) meets the M77; and

West: M77.

Mr Shearer stated that this was a neighbourhood that had been agreed during previous PPC and NAP hearings but also defined by NHS Greater Glasgow & Clyde APC, CP sub Committee.

He explained that the proposed premises were around half a mile from the current premises. They resided within the same neighbourhood, did not leapfrog any other existing contractor, and therefore would essentially serve the same population.

Mr Shearer spoke about the neighbourhoods demographics. He stated that by just driving around Newton Mearns you could see this was an affluent area. Referring to Census data, he said that life expectancy was above the Scottish average i.e. 78% in good health compared to the national average of 68% and 90.3% of the population had access to one or more cars. Within the defined neighbourhood, there were currently four community pharmacies. These being the current Rowland's pharmacy in Harvie Avenue and three further pharmacies along the southern periphery i.e. Glendinning on Ayr Road with Superdrug and Boots in the Mearns shopping centre.

Mr Shearer said that the Greenlaw Village was a substantial project, a £25 million development, which was aimed at retail facilities, restaurants and a Waitrose supermarket. Around the development there had been substantial numbers of residential homes built and it was his understanding that this would continue. He added that consent had recently been granted for a change of use within the proposed business park, which would allow an additional 400 houses to be built. These new homes would be built opposite the Greenlaw Village and included 80 McCarthy and Stone retirement units.

The Development's unit 2 was the proposed relocation premises, which he noted the Committee had visited earlier that day. Although this area was considered a 'retail park', the applicant believed this should really be referred to as a shopping parade. A parade that included: Tesco Metro, Bet Fred, Barnados, along with local/independent operators' i.e a dry cleaners; pet shop; dentist and hot food take-a-ways. This was, he believed, a typical neighbourhood scene were a pharmacy could be expected to be found.

Mr Shearer explained that the dynamics within the neighbourhood had changed following this development, which had prompted the relocation application. Furthermore resident's local shopping patterns had changed, with Greenlaw Village now becoming a hub for them

to access local services and shop for groceries. A pharmacy was needed here where they needed it rather than having to make a specific journey. Mr Shearer believed the parade at Harvie Avenue was no longer considered the centre for the residents. He posed the question, would this application decrease accessibility to pharmacy services? He answered by stating he believed it would absolutely not reduce accessibility in fact he argued it would be easier for many. He pointed out that residents living to the east of Harvie Avenue would have slightly further to travel but bearing in mind: the proposed premises were no more than half a mile further away from the current pharmacy: roads and pavements were well laid out; bus routes had changed to include the new development and high numbers of residents travelled by car or taxi. The new housing had in fact moved the natural neighbourhood centre. He added that the application had been supported by: Newton Mearns Community Council (essentially the voice of the residents), Area Pharmaceutical Committee, Area Medical Committee and the local Councillor.

He stated that relocation to the new premises would give L Rowland (Retail) Ltd a fit for purpose unit. Plans have been drawn up for the new premises in accordance with the company's 'new concept' layout, which had featured positively in a number of pharmacy press publications. The streamlined shop would concentrate on advice-driven sales with distinct, clear categories for medicines, health & wellbeing and weight management etc. The design of the pharmacy was to be patient focused, which would enable face to face consultation with the pharmacist.

In summary, Mr Shearer reiterated that the application was for the relocation of an existing contract. The population served by the new premises was the same; with no NHS service's being reduced. There would be no significant effect on pharmaceutical services provided by existing pharmacies as L Rowland (Retail) Ltd's already served the neighbourhood. He believed the non attendance of the application's objectors reflected this view. Furthermore, he confirmed services would cease at Harvie Avenue before commencing services from the new premises but there would be no interruption in services to patients.

Mr Shearer ended his presentation by saying that he hoped the Committee would agree that L Rowland (Retail) Ltd's were: still serving the same neighbourhood, residents had changed the way in which they accessed services and that the move did not disadvantage anyone within the neighbourhood .

The PPC Question the Applicant

In response to questioning from Councillor Rebecchi regarding the possibility of losing patients by moving a half mile away, the Applicant advised he had considered this but most residents used either transport or travelled by foot. He intended to continue to offer the collection and delivery service but recognise that this did not always meet the needs of a face to face service.

In response to further questioning from Councillor Rebecchi, regarding the expiry of the lease, the Applicant advised the lease on Harvie Avenue would expire in 6 years time and therefore the company would be looking to sublet the property.

In response to questioning from **Mr Irvine** regarding how the Applicant defined a

neighbourhood he said, he saw it as a place where everyone would flow together to use the same services whether they be shops, churches, schools etc and added that a neighbourhoods boundary could be either physical or natural.

In response to further questioning from Mr Irvine, the Applicant said that he believed that the provision of services were currently adequate within the neighbourhood but L Rowland (Retail) Ltd were trying to future proof the new premises and expected to therefore increase patient access to services.

In response to questioning from **Mr Fraser** regarding the lease for the new premises, the Applicant confirmed L Rowland (Retail) Ltd had signed the new lease however there were cancellation clauses included should the contract not be awarded.

Mr Fraser, asked the Applicant whether the proposed new homes were outline or detailed. The Applicant stated he was not clear the position of the newly approved 400 homes; but it was his understanding that building would commence soon as it has been approved by the Local Council.

In response to further questioning from Mr Fraser regarding the main changes within Greenlaw since the last application and the broad timescales for development, the Applicant stated: all retail shop units in the parade had been filled; there had been a continued expansion of new housing and the school had opened. As far as the future was concerned, the space opposite the shop parade was being considered for a 'retail warehouse'.

In response to questioning from **Mrs Anderton** regarding the residential expansion to the north of the neighbourhood, the Applicant confirmed that there was to be more new house building north of Greenlaw Village. He added that the reason for the proposed relocation was to enable easier service access to patients.

Mrs Anderton asked if L Rowland (Retail) Ltd's had sub-let units before and did they feel Harvie Avenue was less commercially viable than the new shopping centre. The Applicant confirmed L Rowland (Retail) Ltd's had sub-let units many times before but there was now more business and people using Greenlaw Village. Mr Shearer believed Harvie Avenue would always be viable.

In response to further questioning from Mrs Anderton, regarding parking at the existing premises, the Applicant advised that patients had access to a car park and street parking.

Mrs Anderton asked the Applicant if the increase in patients within the neighbourhood was likely to affect service access. The Applicant responded by saying that he did not expect any problems with access but the new premises would facilitate improvements in the delivery of service by the dispensary staff.

In response to final questioning from Mrs Anderton, the Applicant estimated that the Harvie Avenue premises were approximately a third of the size of the proposed new premises.

In response to questioning from **Mr Black** regarding the effects on footfall since the

opening of Greenlaw Village the Applicant stated the pharmacy had not recorded any noticeable change however; he was aware that the other shops in the parade had seen a significant drop.

In response to final questioning from Mr Black regarding why Ayr Road was the cut off point, the Applicant advised this was a main route with accidents still occurring. It is a difficult road to cross and he saw it as a physical barrier.

In response to questioning from **Mr Wallace** regarding the current delivery service, the Applicant advised he did not expect any general increase in the use of this service as the people who currently use it, need it. He recognised that if patients could not visit Harvie Avenue, they would not be able to get to Greenlaw Village.

In response to questioning from **the Chairperson**, regarding the McCarthy & Stone building development and Care Home services provided, the Applicant said that it was his understanding there would be around 80 flats to be built. He further confirmed the pharmacy currently provided services to Care Homes which would transfer to the new premises.

Summing Up

The Applicant stressed that the application was for a relocation of an existing pharmacy. He advised that the neighbourhood population would be unchanged but added that the dynamics of the neighbourhood had changed in respect of shopping. This application was therefore being made to provide service access where it was now needed, which would not have any significant effect on any other existing pharmacy.

Before the Applicant left the hearing, the Chairperson asked him to confirm that he had had a full and fair hearing. He confirmed that he had.

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

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

- a) Chemist contractors within the vicinity of the Applicant's premises, namely:
 - Fraser's Pharmacy – 271 Mearns Road, Newton Mearns, Glasgow G77 5LU;
 - Glendinning Pharmacy – 124 Ayr Road, Newton Mearns, Glasgow G77 6EG;
 - Boots UK Ltd – 4-5 The Avenue at Mearns, Newton Mearns, Glasgow G77 6EY;
 - Superdrug Stores PLC – Unit , The Avenue at Mearns, Newton Mearns,

Glasgow G77 6EY;

The Committee noted that only Boots UK Ltd had recorded their objection to the application.

- b) The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee) – took no exception to the Applicant's proposals;
- c) The Greater Glasgow & Clyde Area Pharmaceutical Community Pharmacy Sub-Committee – recommended approval of the application;

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

- d) East Renfrewshire CHCP –Public Partnership Forum – no response to the Applicant's proposals received;
- e) Newton Mearns Community Council – letter of support received on 18 June 2012;
- f) The following elected representatives;
 - Mr Jim Murphy – MP – no response was received;
 - Mr Ken Macintosh – MSP – no response was received;
 - Councillor Tony Buchan – no response was received;
 - Councillor Charlie Gilbert – no response was received;
 - Councillor Elaine Green – no response was received;
 - Councillor Barbara Grant – no response was received;
 - Councillor Paul O'Kane – no response was received;
 - Councillor Jim Swift – no response was received;
 - Councillor Ian McAlpine – letter of support received on 19 June 2012.

The Committee also considered;-

- g) The location of the nearest existing pharmaceutical services;
- h) The location of the nearest existing medical services;
- i) Demographic information regarding post code sectors G77.6 G77.5 and G78.1
- j) Information from East Renfrewshire Council's Environment Department advising of a number of housing developments that have planning permission with some under construction and the Councils refusal for residential development within the Greenlaw Business Park, which was currently under appeal with Scottish Ministers.
- k) NHS Greater Glasgow and Clyde plans for future development of services;
- l) Patterns of public transport in the area surrounding the Applicant's proposed premises;

- m) Information regarding the number of prescription items and Minor Ailment Service activity undertaken by pharmacies within the consultation zone;
- n) Applications considered previously by the PPC for premises within the vicinity; and
- o) The Pharmaceutical Care Services Plan.

DECISION

Having considered the evidence presented to it, and the PPC's observation from the site visit, 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 that the neighbourhood should be defined as follows:

North: The northern perimeter extended along the railway line from M77 until the line met the A77, Ayr Road;

East: A77, Ayr Road;

South: Where the A77 (Ayr Road) meets the M77; and

West: M77.

The M77 motorway was a physical barrier; however it could be crossed at several points. More significantly it marked delineation between the proposed neighbourhood and green fields. The railway was a physical barrier. The A77 was a major trunk road, which separated the proposed neighbourhood from the adjacent neighbourhood commonly known as Mearns. The area within these identified boundaries contained the majority of amenities you would expect to find within a neighbourhood e.g. good choice of retail opportunities, restaurants, offices, educational and religious establishments, public transport and many other resources. The PPC had difficulty to identify a service/facility that was not included in this neighbourhood.

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 currently four pharmacies. One of these pharmacies was to be discounted from their considerations as the application was for a relocation of this existing pharmacy.

The Committee noted that the pharmacies offered all core contract services along with a comprehensive range of additional services.

In addition there was one further pharmacy situated within the adjacent neighbourhood commonly known as Mearns. All pharmacies met the needs of the neighbourhood including the transient and resident populations.

The Committee considered this existing network provided comprehensive service provision to the neighbourhood with extended opening hours and all services required by the pharmacy contract, along with additional services. The Committee considered that access to services was readily achievable in a variety of ways either by foot, public transport or by car. A collection and delivery service was available for any resident finding access to services problematic.

The PPC considered the development of the Greenlaw Village, which was now well established and a significant attraction to shoppers who were both residents of the neighbourhood and transient populations. But also the growing residential area to its north and how this was influencing demands on service access from within the neighbourhood.

The Committee noted the letters of support submitted by the Applicant and the comments received to the advertisement placed in the existing premises by patients. The PPC was surprised that there had not been greater comment from patients; however those that had commented in general did not seem concerned on the proposed relocation.

In accordance with the statutory procedure the Contractor Members of the Committee, Kenneth Irvine and Ewan Black and Non Contractor Member James Wallace left the room during the decision making process:

DECIDED/-

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 would be inadequately served after disregarding of the current Rowlands Pharmacy in Harvie Avenue.

The PPC was satisfied that the provision of pharmaceutical services at the Greenlaw Village premises of the Applicant was necessary in order to secure adequate provision of pharmaceutical services within the neighbourhood in which the premises were located by persons whose names were included in the Pharmaceutical List and in these circumstances it was the unanimous decision of the PPC that the application be approved.

The Contractor Members of the Committee, Kenneth Irvine and Ewan Black and Non Contractor Member James Wallace, rejoined the meeting at this stage.

**Contractor
Services
Supervisor**

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

The Committee having previously been circulated with Paper 2012/03 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/CO04/2012 – Bishopton Pharmacy, 111 Greenock Road, Bishopton PA5 7AX

The Board had received an application from Kate Stewart Ltd for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Andrew Hughes Chemist (Goldie) Ltd at the address given above. The change of ownership was effective from 1 October 2012.

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 General Pharmaceutical Council.

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

NOTED/-

12. ANY OTHER COMPETENT BUSINESS

Application to Suspend Pharmaceutical Contract

Case No: 2012/19 – Lloydspharmacy Ltd, 42-44 Huntington Square, Sighthill, Glasgow G12 1RL

The Board received an application from Mr Mathew Cox to suspend the Pharmaceutical contract for the pharmacy situated at the above address following notice given by the landlord to vacate the premises by 10 November 2012 at the end of the current lease. The landlord has stated the lease would not be renewed due to the redevelopment of the area. Other urgent accommodation is being investigated but due to the scale of the development this was proving to be difficult. The search for new premises continues.

The Committee was sympathetic to the position the pharmacy had been placed by the landlord but concerned with the current uncertainty around future premises. The PPC therefore agreed to award a three month suspension of contract with effect from 10 November 2012 and invite the Applicant to seek a further suspension, if required at the end of this period, or as soon as the future circumstances of this pharmacy was known.

13. DATE OF NEXT MEETING

The next meeting of the Committee takes place on 28 November 2012.

The meeting ended at 1.30pm