

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (07)
Minutes of a Meeting held on
Tuesday 11th December 2012 at 11.45am in
Local Medical Committee Offices, New City Road
Glasgow G4 9JT

PRESENT: Mr Ross Finnie Deputy Chairman

Mr Peter Hamilton Lay Member

Mr Stewart Daniels Deputy Lay Member

Mr James Wallace Non Contractor Pharmacist Member
Mr Gordon Dykes Contractor Pharmacist Member
Mr Kenny Irvine Contractor Pharmacist Member

IN ATTENDANCE: Janine Glen 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.

1. APOLOGIES

There were no apologies.

Section 1 – Applications Under Regulation 5 (10)

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

Case No: PPC/INCL03/2012

Eggle Ltd – 199 Gallowgate, Glasgow G1 5DY

The Committee was asked to consider an application submitted by Eggle Ltd to provide pharmaceutical services from premises situated at 199 Gallowgate, Glasgow G1 5DY under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended.

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

The Committee, having previously been circulated with all the papers regarding the application from Eggle 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 David Dryden, assisted by Mr Michael Balmer. The Interested Parties who had submitted written representations during the consultation period and who had chosen to attend the oral hearing were Mr Abdal Alvi (Abbey Chemists and High Street Pharmacy), assisted by Mr Asgher Mohammed, Mr Sanjay Majhu (Townhead Health Centre Pharmacy and Apple Pharmacy) and Mr Scott Robertson (Dickson Chemist).

Prior to the hearing, the Panel had collectively visited the vicinity surrounding the Applicant's proposed premises, existing pharmacies, GP surgeries and facilities in the immediate area and surrounding areas including City Centre, Gallowgate, St Andrews Square, Saltmarket, Calton, Bridgeton, and Drygate.

The procedure adopted by the Pharmacy Practices Committee ("the PPC") at the hearing was that the Chair asked the Applicant to make his submission. There followed the opportunity for the Interested Parties and the PPC to ask questions of the Applicant. The Interested Parties were then asked to make their submissions. After each submission, there followed the opportunity for the Applicant and the PPC to ask questions of each Interested Party. The Interested Parties and the Applicant were then given the opportunity to sum up.

Before the Applicant commenced his presentation, the Chair reminded him that the Regulations placed a responsibility on the Applicant to provide the boundaries to the neighbourhood in which the proposed premises were located. The PPC had noted from the Applicant's initial submission, that two neighbourhoods had been advanced, along with an invitation to the PPC to make a determination on which neighbourhood was most appropriate. The Chair asked the Applicant to ensure that in his presentation he defined a single neighbourhood.

The Applicant's Case

The Applicant advised that he was here to ask for the Committee's support, to bring a new pharmacy and modern pharmacy services to a famous yet dilapidated part of the east end of Glasgow, where such services were conspicuous by their absence. He said the district was known as the Barras/market hub. It contained 15 pubs, a market place, and traders. You could do a weekly shop at Morrison's Supermarket. You could go to a dentist and, you could worship. There was a bridal shop, a pet shop, a bike shop, a computer shop; newsagents, polish delicatessen, polish supermarket and the list went on and on.

The Applicants were therefore of the opinion that you didn't need to look beyond the



boundaries of the Barras/market hub district to find the characteristics and the services you would expect to find in a neighbourhood.

The Applicant advised that they could have extended the boundaries to define a neighbourhood with a size of population which the PPC were more accustomed to at hearings. This may have encroached on the neighbourhoods served by other pharmacies and taken the focus away from what the Applicants believed to be the crux of the matter: the needs of the Barras/market hub district. They therefore proposed that the neighbourhood was the Barras/market hub.

He advised that North of the Barras/market hub was a residential area known as Drygate. These two areas were separated by a railway and by open ground; both boundaries. While some of the open ground had been developed in recent years there was still a great deal of derelict space and the railway line marked a boundary as well as a barrier.

To the West, London Road and Charlotte Street brought the neighbourhood to a terminus. Beyond that Glasgow Cross represented the start of the recently rejuvenated Merchant City. Within the Merchant City there could be identified a change in street furniture, types of retail, higher standard of housing etc. The Merchant City was well recognised and well signposted and the Applicants doubted that many people would put the Barras/market hub into the same neighbourhood as the more affluent and trendy area known as Merchant City.

To the South the housing and trading stopped on its meeting with Glasgow Green which along with the River Clyde clearly demarcated the East End of Glasgow from inner city areas such as the New Gorbals.

To the East, Barrack Street and Bain Street represented an area of transition, at which point the use of land shifted from trading to housing. The residential areas to the East were exactly that; residential areas. The people living there would most probably associate themselves with the Calton rather than the Barras/market hub.

By the same token, the people living within the Barras/market hub district would likely identify themselves as being from the Barrowlands. Not the Calton and not the Merchant City.

The Applicant advised that the Barrowlands was world famous. He doubted that many in Australia would have heard of the Calton but the Barrowlands....perhaps.

Life was altogether different in the Barrowlands compared to areas such as Calton.

The Barrowlands was predominantly a commercial district giving home to a vibrant market place and a range of established retailers. On days when Celtic were playing at home the area was transformed into a sea of green and white. But the needs of the neighbourhood didn't hinge on the needs of the residents.

He advised that the National Appeals Panel (NAP) offered guidance that retail outlets such as shopping centres should be considered neighbourhoods in their own right, owing to the volume of people using the facilities. There were pharmacies in Braehead, Silverburn,

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Buchanan Galleries, St Enoch Centre, East Kilbride town centre and the Fort. Commercial areas with heavy footfall could be considered neighbourhoods.

In 1999 Greater Glasgow Health Board gave permission to open a pharmacy in the Buchanan Galleries. The minutes read:

"given the nature of the shops available it would be reasonable to suggest that users of the development would expect to access pharmaceutical services as part of their normal shopping pattern and to that extent the application was desirable."

In 2003 Queen Street Station was awarded a pharmacy contract citing the large transient population.

The Applicant welcomed the recognition that pharmacy services would be integrated into shopping patterns and travel patterns.

He advised that from a public health perspective however, this may introduce disparity. Large, modern retail developments catered predominantly for the upwardly mobile, relatively affluent members of society with disposable income. In other words those cross sections of society with only a moderate need for pharmacy services.

In the Barrowlands there was a retail centre at the other end of the spectrum. Instead of Beaverbrooks there was Pharaoh's Gold. Instead of B&Q, there was Bill's Tool Store. Instead of DFS there were sofas for sale literally on the street. Tattoo parlours, bookmakers and pubs.

The people who used the services there and the people that provided the services there were populations that had a high requirement of pharmacy services. The Applicants suggested that it was logical and necessary that users of the development could expect to access pharmaceutical services as part of their normal shopping or working patterns.

The Applicant asked whether pharmacies outwith the Barrowlands area provided an adequate service for the Barrowlands?

He asked the PPC if they were shopping in a facility such as Braehead or Buchanan Galleries would they expect to have to leave the facility to access a pharmacy? Would they expect to have to make an additional trip to use the pharmacy in say Pollok Health Centre?

He advised that anyone going to the Barras would go to the Barras. That was the destination. They wouldn't expect to make additional trips or onward journeys for what were basic NHS services that were envisaged to be the gateway to NHS care.

He suggested that the services that pharmacies offered and their success in terms of integrating pharmacy with the larger NHS family, were devised on the basis and were entirely dependent on the understanding that pharmacies were readily accessible.

Apart from the consumers and producers requiring pharmacy services within this neighbourhood there was a sizeable transient population made up of those staying in the



hostel on East Campbell Street and at Monteith House and those 150 vulnerable members of society making use of the facilities provided by the Lodging House Mission on a daily basis. 80% of the men and women using the Lodging House Mission had drug and/or alcohol problems.

He suggested that pharmacy was not able to fix everything, but had a remit, particularly in terms of supporting patients with addictions. They helped to stabilize chaotic and erratic lifestyles. By definition this required immediate access to pharmacy services. The Applicant argued that the best way to achieve this was to place pharmacies at the centre of patient's lives. He felt pharmacy had an important role for the patients in this neighbourhood, a view shared by the Lodging House Mission. In addition, the PPC should further note that there was not one letter from the public in disagreement to the proposals.

The Applicant asked if the Barrowlands could be considered a neighbourhood? The services here were too numerous to mention and the characteristics and the needs of the neighbourhood were quite different from all adjoining areas, as described by Glasgow City Council.

Its boundaries were readily identifiable. In terms of characteristics of a neighbourhood, the Applicant suggested it ticked all the boxes.

The Applicant asked if it had adequate access to pharmacy services? He suggested that there was a sizeable resident population who must travel outwith their neighbourhood in order to access pharmacy services when currently they might not need to leave to worship, to the supermarket, or go to work. He suggested then that the provision of pharmacy services was inadequate for the resident element. He went on to suggest that for the populations that were working there or shopping there or taking refuge and for the vulnerable sections of society that take refuge there, access to pharmacy services was wholly inadequate.

The Applicant posed the following question: "Would granting the application to open a pharmacy at 199 Gallowgate secure adequate provision of pharmacy services for this neighbourhood?" The Applicant suggested the answer was "Without a doubt."

He believed that granting this application was in fact the only way to secure adequate provision of pharmacy services within this neighbourhood.

The unit itself would be finished to a high standard, containing a discreet consultation area and two private consultation rooms. This would allow the delivery of all aspects of the modern pharmacy contract. The unit was in a good location and a good size.

The minor ailments service would enhance the network of out of hours care particularly in view of the Applicant's commitment to opening seven days per week and the plans to provide a pharmacist prescribing clinic to enhance the smoking cessation service. The Applicant was qualified to do this and had experience.

In this setting improvements could be made in the use of medicines and a contribution made to the management of long term conditions through the Chronic Medication Service. These services were essential and they were required in the neighbourhood.



The importance of having a health professional in this area could not be overstated. To have face to face contact with a pharmacist, able to provide the full range of modern services within an area of demonstrable need was of paramount importance.

The Applicant finished by saying this part of the city had not received the investment experienced in the Merchant City or further East towards the site of the Commonwealth Games, though investment was planned. The Application represented an important opportunity for pharmacy to make a meaningful and sustainable contribution to the regeneration of this area and its people. Investment in the fabric of the area and diversification of retail was hugely important, but the cornerstone of this regeneration, in the Applicant's opinion, must be to redress the health inequalities, and to set in motion improvement in health.

The Interested Parties Question the Applicant

Mr Alvi asked the Applicant to confirm his neighbourhood population. He advised that there were 150 day users of the Lodging House Mission and around 20 at Monteith House. There were a large number of people commuting into the area. The residential element was relatively low at around 900.

In response to questioning from Mr Alvi regarding the Lodging House Mission, the Applicant advised that the Mission provided day care facilities. There was no overnight accommodation. He advised that many of those using the Mission spent their day in the Barrowlands district. He advised that many stayed at the Lodging House Mission for the entire day as there were classes run, others left the area. He estimated that many of the service users spent 50% of their day in the area.

Mr Alvi asked the Applicant if he knew what time the Mission closed at. The Applicant confirmed that he was not aware. Mr Alvi suggested that the Mission closed at two and asked the Applicant that if a service user spent 50% of their day in the area, was it not feasible that they would pass other community pharmacies. The Applicant advised that they might pass other pharmacies, but felt that the focus of his application was to make services more accessible as part of their lives.

Mr Alvi asked the Applicant a series of questions relating to the Calton Area Development Framework. He asked the Applicant to go over the facilities that existed in his defined neighbourhood. The Applicant advised that there was a dentist, church, places of work, a pet shop, newsagents, 15 pubs, and a market place. The Applicant did not agree with Mr Alvi's suggestion that as an extension of the East End of Glasgow other areas had very similar shops. He felt that the services in the Barrowlands were unique. Facilities such as McIver's market were unique. He was unaware of any other area where you would find a bridal shop next to a pet shop. In his opinion, the Barrowlands was a unique little world with diverse retail facilities.

Mr Alvi asked the Applicant whether he was seriously drawing a comparison between shopping centres such as Buchanan Galleries and Silverburn and the Barrowlands. The Applicant confirmed that he was. He advised that places such as Buchanan Galleries were a lot more affluent. It attracted more footfall and service users who were more upwardly



mobile and in better health. As such he suggested that such a place would have less to gain from having a pharmacy. The % of people who would benefit from pharmacy was lower. In comparison, the vast majority of those who visited the Barrowlands District had health needs. In essence you would get more for your buck in putting an additional pharmacy in the Barras district.

In response to final questioning from Mr Alvi regarding what days of the week the retail facilities in the Barras district were open, the Applicant advised that the working week tended to be Wednesday to Sunday. He further advised that there a number of buses running in the area which, in his opinion, showed there was lot of activity there.

Mr Majhu asked the Applicant if he had any evidence that patients found it difficult to access services. The Applicant advised that it could be argued that because there was a bus station right across from Buchanan Galleries, it could be argued that a community pharmacy was not needed in this facility as the existing network was good. Customers using the facility however fully expected there to be pharmacy provision. He suggested the same could be said for the Barras. Service users would expect to find a pharmacy there. He agreed that the public transport network into and out of the area was good and that there was no issue of accessibility into and out of Barras, but reiterated that people using the area would expect there to be pharmacy provision.

In response to further questioning from Mr Majhu, the Applicant confirmed that there was no school within his defined neighbourhood. He confirmed that there were schools in the wider Calton area, but he had not included these as the two areas were not the same. He suggested that a further point to bear in mind was that the population had a small amount of young people and as such a reduced requirement for education services.

In response to further questioning from Mr Majhu, the Applicant agreed that as there were no schools within his defined neighbourhood, there would be a need for anyone needing to access such services to leave the neighbourhood. He reiterated that there was flow out of all neighbourhoods and repeated that the neighbourhood was characterized with a low residential population with a small number of children; therefore there would only be a small number leaving for education purposes.

Mr Majhu asked what evidence the Applicant had that a further pharmacy in the area was necessary. The Applicant advised that the area itself provided the evidence. He asked the PPC to consider in the same way as Buchanan Galleries and suggested that if they did so you could rehash the previous PPC statement for an additional pharmacy. He suggested that the majority of those visiting the area would have high requirements for pharmacy services The argument was stronger.

In response to questioning from Mr Majhu regarding complaints, the Applicant advised that people didn't tend to complain about services. He pointed to the lack of response to the public consultation and suggested that most complaints made regarding pharmaceutical services were about dispensing mistakes being made and not about the lack of availability. He felt that those who shopped in the Barras would not complain about the absence of provision.

Mr Majhu asked the Applicant that if he had no evidence of necessity, what evidence did



the have of desirability. The Applicant pointed to the letters from the Calton Area Assoc, MSP and Councillor Thewlis but suggested that these belied the strength of support. He advised that there was further evidence in the case of Buchanan Galleries. He advised that there was an opportunity here to have a positive impact on people's lives.

In response to further questioning from Mr Majhu regarding the e-mail from John Mason, the Applicant advised that he couldn't respond on behalf of Mr Mason, but hazarded a guess that the statistic showing 18 pharmacies within a 1.1 mile radius was taken as the crow flies. The Applicant suggested that people didn't use services "as the crow flies". It was a long walk from the proposed premises to Bridgeton. In inner city areas a higher density of pharmacies was expected. The Applicant suggested that someone in the Barrowlands wouldn't use pharmacy in New Gorbals. It wasn't practical on a day to day basis.

Mr Majhu asked the Applicant if he would agree that those responding during the public consultation exercise did not appear to have any issues with the current service, but that they all just wanted a pharmacy to help with local issues. The Applicant advised that most members of the general public wouldn't understand the legal test and therefore could put their point across in the only way they could. The comments received showed strength of feeling.

Mr Majhu asked the Applicant if he would agree that the transient population in the area was in decline. The Applicant agreed that the area was not as busy perhaps as it had been in the past; however he contended that the area was still busy; still vibrant. He maintained that the Barras continued to play a large part in the lives of those who visited it. He reasserted that there was less to be gained from placing a community pharmacy in Buchanan Galleries, yet the PPC had granted that application. There was more to gain approving an application in the Barras.

Mr Robertson asked the Applicant if he could explain what pharmaceutical service was not being provided given the number of pharmacies in the area and the well established public transport services. The Applicant reasserted that although there were 18 pharmacies within a 1.1 mile radius, service users did not fly. As such travel to many of the current pharmacies was not practical or feasible. There were many of the existing pharmacies which were not relevant to the application. The Applicant maintained that there remained a tract of land that was devoid of pharmacy services. He advised that the two pharmacies in Bridgeton dispensed high volumes of prescriptions, but these pharmacies were not going to help those at the facilities in the Barrowlands. He advised that there was a need to install services central to people's lifestyles.

The PPC Question the Applicant

In response to questioning from **Mr Irvine**, the Applicant confirmed that there was a residential population of approximately 900 people within his defined neighbourhood. He advised that the maximum population he would serve including transient population over the course of a week would be between 1,600 and 2,000 people, comprising; 900 residents, 150 service users of the Lodging House Mission, 50 Monteith Hotel, the weekend population including 800 football fans when Celtic played a home game, and approximately 300 tourist trade through the year.



Mr Irvine asked the Applicant which existing pharmacy he considered was closest to his proposed premises. The Applicant advised that Abbey Chemist, Trongate would be the closest. He confirmed that the population within his defined neighbourhood would be able to access this pharmacy; however it would be preferable for there to be a pharmacy within the defined neighbourhood. He suggested that those visiting the area would expect to find a community pharmacy within it. He felt it unlikely that those using the Barras would travel to Abbey Chemists if they needed pharmaceutical services. He felt that those using the hostel services in the Barras would use a pharmacy in the neighbourhood if there was an anchor in their life. They would then have no need to use Abbey Chemist.

In response to questioning from Mr Irvine, the Applicant advised that Abbey Chemist was approximately 0.6 miles from the proposed premises.

In response to final questioning from Mr Irvine regarding how he would show inadequacy within the neighbourhood and in the service provided by the peripheral pharmacies, the Applicant advised that his defined neighbourhood was clearly deprived. The area was well used by shoppers, traders and the transient homeless population with high health needs. There were currently no pharmaceutical services to offer on a daily basis. Access to minor ailments service was difficult given the provision was on the edge of the neighbourhood. He conceded that those presenting with a prescription would not suffer, however they would not benefit from public health services or smoking cessation services. He advised that there was a well known disparity between rich and poor and that this was getting worse. There was a need to target resources at the target population. He believed the application provided an excellent opportunity to provide a service which would benefit people's lives.

Mr Dykes advised that he was still struggling with what was inadequate about current services and asked the Applicant if he could reiterate. The Applicant advised that the commercial draw of the Barras meant that it was not logical for there to be no pharmacy. He pointed to the decision to grant a new pharmacy contract for Buchanan Galleries and suggested that it was only fair that the same opportunity should be offered to a population which was less affluent.

In response to questioning from Mr Dykes, the Applicant confirmed that he knew what a "destination store" was. He suggested however that the Barras themselves were the destination. It was the Barras which drew people to the area. Many people traveled to the area to see the market itself. There were other shops on the periphery which fed off this.

Mr Dykes asked the Applicant if he would consider other facilities which were only open two days per week, say a football ground, as being a neighbourhood. The Applicant advised that the Barras was operational seven days per week but busier at the weekend. The market didn't function during the week, but the number of outlets that were currently functioning showed the area to be a high in activity.

Mr Hamilton asked the Applicant if he could develop this line of questioning and sought information on the activity in the area during the week. The Applicant confirmed that the market operated two days per week, but that the majority of the other shops were open more days than the market. He conceded that the number of shops open seven days per



week was smaller.

Mr Hamilton asked the Applicant to provide a definition on his term "street furniture". The Applicant advised that he meant signs, benches, the lack of vandalism, higher standard of pavements and the increase in money invested in public space. The Applicant advised that by contrast the Barras area had significant amounts of derelict space. There was a triangle of waste ground fenced off just at the entrance to the area. He considered that anyone walking under the railway bridge at Glasgow Cross coming in to the area would know they were in a different neighbourhood.

In response to final questioning from Mr Hamilton, the Applicant confirmed that there was significant tourist activity in the Barras area. The market itself was a big attraction, with historical value. It was next to Glasgow Green and the Peoples Palace. There were a number of things which tied it to the area to make it a tourist attraction.

M Wallace asked the Applicant if he had any evidence that the market traders all had high health needs. The Applicant agreed that this was an assumption, but a logical one given the retail services they provide and the environment in which they worked. He felt that those working on the street, standing behind stalls for long periods of time tended to be less affluent and had higher requirements for services as they had ill health.

Mr Daniels asked the Applicant if he would agree that Buchanan Galleries which was open for more than ten hours seven days per week was different to the Barras market which at the most was open six hours on two days per week. The Applicant agreed that there would be a difference in the number of people accessing both facilities. He asked the PPC to consider however, the difference an additional pharmacy would have on the population using the area. He advised that if you could reach out and affect change and provide direct access to services, more could be done in those two days in an area such as the Barras than could be done in a retail facility used by a more affluent population, with lower health needs. He still thought there would be more than sufficient numbers to make the pharmacy viable.

In response to further questioning from Mr Daniels, the Applicant said he felt those using the Lodging House Mission would use a pharmacy in the area if it was available. He felt that if they could get this population into the pharmacy, along with those using other facilities in the area, they could have an effect. If there was no pharmacy it would be a missed opportunity. The Applicant felt that there was a need to explore what could be done to affect change. He advised that he had taken part in a study in his other pharmacy relating to alcohol reduction. Why couldn't the people in this area have the same benefit? Why could we not get smokers in when they're outside the pub having their cigarette?

In response to final questioning from Mr Daniels, the Applicant advised that he still believed the Lodging House Mission which was run by a Christian organisation offered meals free of charge. He was not aware how many meals the Mission provided.

The Chair asked the Applicant to illustrate how he had come to the overall conclusion in terms of the current pharmacy regulations that the current service was inadequate. The Applicant advised that those using the area would have a higher need for pharmaceutical services. They shouldn't have to leave the neighbourhood to access services. He felt the



application represented a small investment for a large population with high health requirements In terms of people coming into neighbourhood; they couldn't access adequate services and were limited in their opportunity to use facilities outwith the neighbourhood. He felt it was desirable to grant the application.

<u>The Interested Parties' Case – Abdal Alvi (Abbey Chemist and High Street Pharmacy)</u>

Mr Alvi advised that in his opinion the Board's area could be split into many populations which would contain similar traders. He advised that the Applicant had himself conceded that there was not a high resident population within the neighbourhood. He had also admitted that the area was not as busy as it had once been. He had included in his catchment area, residents, traders, football fans and a significant transient population which would normally come from the city centre as most people would be travelling by train. Tourists also would pass other pharmacies. The Applicant has estimated the population at around 1,500. Mr Alvi stated that assuming 1 in 10 of the population required pharmaceutical services, this would amount to around 180 people. The Applicant had focused on a small area. Mr Alvi advised that the letters received by the Applicant had not been letters of complaint about the current service, and one had even mentioned Catalonia. He advised that the letters from the elected representatives were more letters in support, but had mentioned nothing about canvassing the views of the resident population or obtaining feedback from constituents. Mr Alvi didn't feel the Applicant had shown inadequacy

Mr Alvi advised that the Applicant had referred to "The Calton Area Development Framework" (CADF March 2012) from Glasgow City Council's Development and Regeneration Services. The document gave boundaries which it stated "represent most people's understanding of Calton." The Applicant had quoted this document and yet had opted to cut out the North-West corner of the area which included the area up to Duke Street. The reason for this was to include the Collegelands development which formed an important part of the consultation framework as it was the new location for Glasgow City Council offices. By cutting out this area, the Applicant had thereby removed High Street Pharmacy from the neighbourhood.

Mr Alvi suggested that consideration should also be given to the fact that although the Trongate was part of the Merchant City, very few locals would draw a distinction between the Trongate, Saltmarket, Gallowgate and London Road. The majority of people would consider all to be the start of Glasgow's East End. Indeed the G1 postcode extended up to the end of the Trongate, where Argyle Street began. This was the point at which the big retail units started and road layout became pedestrian only. Even if Abbey Chemist in Trongate was determined to be in an "adjoining neighbourhood" according to the legal test, Mr Alvi believed strong consideration should be given to these points and the opinions of local people.

He advised that the neighborhood as defined had no schools, post office, or library. The CADF listed the lack of community facilities and amenities as a 'weakness'. Approximately 25-30% of this area was greenery and park space with large vacant areas. The CADF further stated that although a large number of sites had planning permission for development the current economic climate meant that "many of these sites may not be



developed in the short or medium term."

He attested that Mr Dryden's residential data showed a population of 4,500 but closer examination showed that this population was not evenly distributed throughout the area. In fact datazones S01003271, S01003331 and S01003333 were adjacent to the health centre and pharmacies in Bridgeton and zone S010003335 was a few minutes walk to Abbey Chemists in Trongate. The area in which the applicant had applied, S010033328 had the best SIMD ranking of all data zones he had used, with the percentage of income deprived and employment deprived people lower than the Scottish Average (2008).

He advised that to describe the Barras as a focal point for life in the East End of Glasgow was disingenuous. The local shops were independent retailers similar to those throughout the East End.

He further advised that the Applicant had gone on to quote SIMD data, which was over ten years old, with regards to persons in overcrowded households and those without central heating, without any explanation as to why this information was currently relevant to his area. The CP Subcommittee noted that there were 18 contractors within 1.1 miles from the proposed premises, with a transient population that would pass existing provision on the way to the area. The Applicant himself had stated that the area "draws in groups of users from outside the neighbourhood". This was especially true for the tourist population the Applicant suggested would require pharmaceutical services, as these tourists would almost certainly be going into the area from the City Centre, so would pass many pharmacies including Abbey Chemist in Trongate.

Mr Alvi informed the Committee that the pharmacies at Trongate and High Street had been helping service users of the Lodging House Mission and local hostels for years. Indeed the Barras area did have services for vulnerable people, yet there were not so many that a new pharmacy contract would be merited. Nor was there a need in terms of lack of pharmaceutical provision, as these patients had long been accessing his services without any complaints.

The Lodging House Mission, as the letter from John Hamilton stated, dealt with many people who were homeless and who had chaotic lifestyles, with 80% using drugs and alcohol. Abbey Chemist and High Street Pharmacy had been dealing with the Homeless Health Services and the local Addiction Teams for many years, regularly relying on the approachability and expertise of the pharmacy teams. They were in regular, daily contact with an array of health care professionals with the sole aim of helping these vulnerable patients, many of whom slept rough in the City Centre and passed their pharmacies to access the Lodging House Mission which was less than ten minutes walk away. The pharmacies also operated successful and efficient methadone and needle exchange services to cater for these and other patients.

High Street Pharmacy was a state of the art, modern pharmacy which opened five years ago. It was designed with the pharmacy contract in mind. It had three consultation rooms and a unique methadone dispensing room which had its own entrance/exit. Abbey Chemist in the Trongate had been operating for over 20 years and was refitted at the start of 2011; again with patient care the priority.



Mr Alvi advised the Committee that as "Investor in People" pharmacies, the company had put a lot of time and effort into developing the staff and had spent significantly to upgrade their facilities to achieve a high professional standard. The two pharmacies offered a full range of pharmaceutical services, including every service the Applicant had proposed, and they were only a short walk away from the Applicant's proposed site. Both pharmacies were situated in the G1 postcode, and neither pharmacy was running at full capacity. Mr Alvi was also an Independent Prescriber.

Mr Alvi explained that he believed that a new pharmacy contract in such close proximity to the fit for purpose pharmacies was neither necessary nor desirable. They believed that current pharmaceutical provision for the area was adequate. He therefore asked the Committee to refuse the application.

The Applicant Questions Mr Alvi

The Applicant asked Mr Alvi if he would agree that while the area might not be as busy as it once was, there were plans for development and investment leading to improvements. Mr Alvi agreed that the CADF had illustrated inward investment, however reiterated that this was a 10 to 15 year plan, which included environmental changes and changes to green spaces.

In response to questioning from the Applicant regarding SIMD data, Mr Alvi agreed that the rankings didn't apply to any element of the population other than the resident element. He further stated that this element of the population was relatively low at around 900.

The Applicant asked Mr Alvi how many vulnerable people, in his opinion, would be needed to merit a further pharmacy in the area. Mr Alvi clarified that he hadn't said there wasn't enough vulnerable people in the area to merit a further pharmacy. He said there wasn't enough resident population that a new pharmacy contract would be required.

In response to final questioning from the Applicant, Mr Alvi confirmed that he wasn't aware whether the Lodging House Mission provided meals free of charge.

The Interested Parties Question Mr Alvi

In response to questioning from **Mr Majhu**, Mr Alvi confirmed that neither High Street Pharmacy nor Abbey Chemist had received any complaints from patients regarding services. He advised that both pharmacies had a good relationship with the Health Board and were considered to be approachable. He didn't feel there was a lack of adequate provision.

There were no questions to Mr Alvi from Mr Robertson

The PPC Question Mr Alvi

Mr Irvine asked Mr Alvi to clarify that his definition of neighbourhood was the larger area put forward by the CP Sub-committee. Mr Alvi advised that he agreed with the CP Sub-committee's definition of the neighbourhood but felt that Abbey Chemist was in the same neighbourhood as the proposed premises.



In response to further questioning from Mr Irvine, Mr Alvi advised that as Pharmacy Manager in Abbey Chemist Trongate, he saw both elements of the population; transient and resident. The pharmacy drew in both elements.

In response to questioning from **Mr Dykes**, Mr Alvi confirmed that Abbey Chemist provided services to patients from Gallowgate on a daily basis. He would describe these patients as a significant part of the client base. He further reiterated that he would not be able to quantify how many patients whose addresses were outwith Gallowgate, but who used the Lodging House Mission and used the services of Abbey Chemist.

In response to further questioning from Mr Dykes regarding the Lodging House Mission, Mr Alvi advised that Abbey Chemist had developed close working relationships with many of those using the Mission either because they were new to the facility or over the long term with patients who might have a methadone prescription with the pharmacy. There were some faces the pharmacy seen every day.

In response to final questioning from Mr Dykes regarding long term clients, Mr Alvi advised that most long term clients did not miss appointments and he didn't feel that the pharmacy's location was a barrier to them attending. Mr Alvi informed the Committee that many clients accessed services while making their way to the Lodging House Mission or on their return journey from the Mission.

There were no questions to Mr Alvi from Mr Daniels, Mr Hamilton, Mr Wallace or the Chair

<u>The Interested Parties' Case – Mr Sanjay Majhu (Townhead Health Centre Pharmacy and Apple Pharmacy)</u>

Mr Majhu advised that the whole point of his objection was that his pharmacies along with others in the area provided a very good service. He was aware that if any shortfalls were identified, these were always covered. He did not feel that the Applicant had demonstrated inadequacy.

He advised that there had always been differing views on the definition of neighbourhood, and for this reason he was happy enough to agree the definition by the Applicant. He reiterated however that his view was that neighbourhoods supported each other. For example there was no secondary school in the defined neighbourhood, thus services from other neighbourhoods prevailed for education and other services such as banking. He saw no evidence from the application for other fit for purpose type units, nor had he ever been notified of any shortfall.

He advised that both his pharmacies provided all of the core services required by the NHS and there were no waiting times for any of these services. Though the location of this new application was relatively far away, his view was that no new contract was required in the area.

He informed the Committee that there had been no evidence of either desirability or necessity. The Applicant had received one letter and four e-mails during his consultation



exercise. His pharmacies had not received one complaint from any member of the public nor had they received a complaint from the NHS. He found the response to the Applicant's consultation dreadful.

He advised that within a 1.1 mile radius there were 18 pharmacies. The Applicant was proposing to open seven days to provide more hours, and the provision of services at the weekend was to be extended. Again no evidence that this was required either from the public or NHS. Mr Majhu pointed out that in England the 100 hour contract had been reversed as it had served to dilute the existing cover.

The Applicant Questions Mr Majhu

In response to questioning from **the Applicant**, Mr Majhu advised that he wouldn't define Glasgow Royal Infirmary as a distinct neighbourhood, even though the PPC had defined it as such previously.

In response to further questioning from the Applicant, Mr Majhu confirmed that he agreed with the definition of neighbourhood put forward by the CP Subcommittee, but was not aware how many schools were included in that neighbourhood.

In response to further questioning from the Applicant regarding neighbourhood, Mr Majhu accepted that the larger neighbourhood mentioned included two schools.

In response to final questioning from the Applicant, Mr Majhu agreed that the use of land in the Barras was different to that in other areas. He reiterated that shops in the area were closing and even the transient population was declining. He agreed that there was to be inward investment into the area, but this was still to come. He was aware that the Polish shops in the area had only opened in the last two years; however he did not agree that this was evidence of a vibrant neighbourhood.

There were no questions to Mr Majhu from Mr Alvi or Mr Robertson

The PPC Questions Mr Majhu

In response to questioning from **Mr Irvine**, Mr Majhu confirmed that he agreed with the CP Sub-committee's definition of neighbourhood.

Mr Irvine advised Mr Majhu that he had described the application as having no necessity or desirability and asked him to comment on adequacy of existing services. Mr Majhu responded that he had been led to believe that the legal test required the Applicant to provide inadequacy. In Mr Majhu's opinion, the Applicant had not provided one shred of evidence. His consultation exercise had received four e-mails and one letter which showed nothing Public transport in the area was more than adequate and access to services was fine. There was no inadequacy.

There were no questions to Mr Majhu from Mr Daniels, Mr Hamilton, Mr Wallace, Mr Fergusson or the Chair.

The Interested Parties' Case – Mr Scott Robertson (Dickson Chemists)



Mr Robertson advised the PPC that this had been a very challenging and difficult year for Dickson Chemist as a company. They had reduced opening hours in one of their pharmacies because of inherent need to reduce their wage bill. Mr Robertson felt that the issue came back to viability. The Applicant had advised the PPC that a new pharmacy could be viable, but this was in direct contrast to Dickson Chemist's experience. The company had taken the step of reducing pharmacist cover in the branch at Main Street, Bridgeton which was a far more densely populated area.

He advised that a new contract would reduce the available patients to existing pharmacies e.g. CMS would be starved of income. Other issues such as various drugs coming off patent and transition going on for six years had affected the ability of community pharmacies to retain profitability. The awarding of a new contract would destabilize the existing network.

Mr Robertson advised that the Applicant's defined neighbourhood was already serviced by pharmacies offering home delivery for vulnerable groups. The area was not hilly. In fact it was quite flat. There were good transport links. Most pharmacies offered methadone supervision. Dickson Chemists had the methameasure system and was not operating at capacity.

Mr Robertson informed the Committee that an audit conducted for Dickson Chemist showed that between 5.30pm and 6.00pm the pharmacy was losing money. He further advised that the regeneration for the Commonwealth Games had reduced deprivation in the area.

There were 18 local pharmacies within 1.1 miles even if this was as the crow flies. Mr Robertson advised that he had asked the Applicant if he considered there to be any gaps in service and the Applicant's response had been that he didn't think there was. He believed that if the PPC awarded the contract there might be redundancies in the existing network. He did not consider this to be point of the PPC.

Mr Robertson advised that there had been no notable increase in population in the neighbourhood defined and the Applicant agreed that it had decreased. There were no schools in the defined neighbourhood and no post office. Mr Robertson questioned whether it was a neighbourhood or a pocket. He asked the PPC to refuse the application. It was not necessary or desirable.

The Applicant Questions Mr Robertson

In response to questioning from **the Applicant**, Mr Robertson confirmed that there were three pharmacies between Dickson Chemist and the Applicant's proposed premises. The Applicant asked if this was the case, why would Dickson Chemist be affected so adversely. Mr Robertson advised that he was seeing a loss of revenue already. The Applicant asked if this was not due to some reason other than the application. Mr Robertson advised that it might not be directly relevant but he was firmly of the opinion that a further contract would be detrimental to the existing network.

In response to final questioning from the Applicant, Mr Robertson confirmed that Dickson



Chemist offered a collection and delivery service to residents in the Applicant's defined neighbourhood. The service was provided to the most vulnerable patients in the area. He confirmed he was unable to quantify the patients receiving this service.

There were no questions to Mr Robertson from Mr Alvi or Mr Majhu

The PPC Question Mr Robertson

In response to questioning from **Mr Irvine**, Mr Robertson confirmed that he would define the neighbourhood as the smaller pocket described by the Applicant in his submission as the Barras/market hub.

In response to further questioning from Mr Irvine, Mr Robertson confirmed that it was his belief that an additional contract would destabilize pharmaceutical provision in the general area.

Mr Irvine invited Mr Robertson to comment on services to the neighbourhood. Mr Robertson responded that services were excellent. No-one complained. Dickson Chemists had invested heavily in a delivery service and, in his opinion; there was no inadequacy at all.

In response to questioning from **Mr Dykes**, Mr Robertson confirmed that Dickson Chemists had reduced pharmacist cover at its Main Street, Bridgeton branch by 1.5 days. The company was utilizing ACTs more partly due to cost. He further confirmed that the company had not dropped any services The use of ACTs to check prescriptions left the pharmacist free to focus on the provision of services.

In response to questioning from **Mr Wallace**, Mr Robertson advised that he couldn't quantify the number of patients Dickson Chemists provided services to, who came from the defined neighbourhood.

There were no questions to Mr Robertson from Mr Daniels, Mr Hamilton, or the Chair.

Summing Up

Mr Alvi advised that the Applicant had not provided evidence of inadequacy of pharmaceutical provision within the neighbourhood he defined. He advised that there was no lack of services in the wider area. High Street Pharmacy used to open on Sundays and Mr Alvi had data to suggest that such a service was not needed in the area. Mr Alvi believed that people weren't accessing pharmaceutical services on a Sunday.

Mr Alvi advised that High Street Pharmacy and Abbey Chemists provided a full range of pharmaceutical services. It was not, in his opinion, unreasonable to expect residents of the Barras to walk six or seven minutes to access established pharmacies. He advised that because the current provision was adequate and the Applicant had not proven otherwise. The application shouldn't be granted.

Mr Majhu advised that it was a fact that margins were massively reducing. Companies



had to work extremely hard to stand still and it was getting harder and harder for pharmacies to maintain profitability. A 1% swing in margin would have an effect. He advised that there was plenty cover and the existing network was good enough. He urged the PPC not to grant the application.

Mr Robertson advised that the Applicant had provided no evidence of a pharmaceutical need. The application was not necessary or desirable. Dickson Chemist had had one of most challenging years in recent times in terms of profitability. He advised the PPC that if it chose to refuse, it should not be on these grounds but on the grounds that the Applicant hadn't come up with a strong enough argument. He advised the PPC that there was no gap in services.

The Applicant advised that pharmacy services should evolve and adapt to local needs.

The Barrowlands district was unique and had needs unlike any other adjoining neighbourhood. It was unreasonable to expect this area to be sustained by pharmacies in outlying neighbourhoods that could have little impact on the users of the Barrowlands.

He advised that to target resources efficiently, the Applicant felt that ill health must be tackled at its source and make positive change where there was greatest need. Opening a new pharmacy in an area of need could do this – and at no cost to the taxpayer.

He advised that there had been applications where Committees had recognised hospitals, commercial centres and retail outlets as neighbourhood in their own right. The opportunity was here to do so again today.

The Applicant advised that the PPC hearing may be a bit different from others, because the application was not about who lived here. It was not about GP surgeries or car ownership and it was not about bus routes because the Barrowlands was the destination, not the starting point.

He felt that it should be seen for what it was. The Barrowlands. Every person in the room knew that the Barrowlands had a powerful draw for sections of our society with a great need for lifestyle change, for risk modification, for health protection and for health improvement.

In the Barras you could buy black market tobacco, second hand goods, pirate DVDs. People visiting there had the choice of 15 pubs. This was where change must begin.

The opportunity was here to use that draw to positive effect; harness that pulling power, and place a pharmacy at the heart of the neighbourhood. He advised that all ills and mentality could not be changed overnight. The Applicant's could not rehabilitate every patient with addictions or eradicate smoking, but they could give the population the opportunity to change and the opportunity to access basic NHS services within their normal shopping, working and travel patterns.

He advised that to be given this opportunity was not too much to ask; and moreover it was their basic right.



Before the Applicant and Interested Parties left the hearing, the Chair asked the Applicant, Mr Alvi, Mr Majhu and Mr Robertson to confirm that they had had a full and fair hearing. All three parties confirmed individually that they 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:
 - -
 - Apple Pharmacy 584 Alexandra Parade, Glasgow G31.3;
 - High Street Pharmacy 128 High Street, Glasgow G1.1;
 - Abbey Chemist 144 Trongate, Glasgow G1.5;
 - Townhead Health Centre Pharmacy, Glasgow G31.2; and
 - Lloydspharmacy various addresses.

All had recorded their objections to the application.

The Committee noted that:

- Bridgeton Health Centre Pharmacy 201 Abercromby Street, Glasgow G40.2 and
- Royston Pharmacy 119 Royston Road, Glasgow G21.2

Were consulted as part of the statutory process, but had not taken the opportunity to respond within the consultation time period.

The Committee noted that:

- Boots UK Ltd various addresses; and
- The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee).

Were consulted as part of the statutory process, but their objection had been received outwith the consultation deadline and as such had not been included in the PPCs information pack.

b) The Greater Glasgow & Clyde Area Pharmaceutical Community Pharmacy Sub-Committee – did not recommend 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:

- c) Glasgow City CHP North West Sector Public Involvement Group no response was received;
 - Glasgow City CHP North East Sector Public Involvement Group no response was received.
- d) The following community councils:
 - Townhead and Ladywell no response was received;
 - Calton and Bridgeton no response was received;
 - Dennistoun no response was received;
 - Merchant City and Trongate no response was received; and
 - Hutchesontown no response was received.
- e) The following elected representatives;
 - Councillor Yvonne Jucuk no response was received;
 - Councillor George Redmond no response was received;
 - Councillor Alison Thewlis responded in support of the application;
 - Mr John Mason MSP -no response was received; and
 - Mr Anas Sarwar MP Glasgow Central no response was received.

The Committee also considered;-

- f) The location of the nearest existing pharmaceutical services;
- g) The location of the nearest existing medical services;
- h) Demographic information regarding post code sectors G1.1, G1.5 and G40.2;
- Information from Glasgow City Council's Department of Roads & Transportation advising that there were no known major road developments and Development & Regeneration Services advising of the known developments within a one mile radius of the proposed premises.;
- j) NHS Greater Glasgow and Clyde plans for future development of services;
- k) Patterns of public transport in the area surrounding the Applicant's proposed premises;
- I) Information regarding the number of prescription items and Minor Ailment Service activity undertaken by pharmacies within the consultation zone;
- m) Applications considered previously by the PPC for premises within the vicinity; and
- n) 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: Railway line - Glasgow Queen Street - Edinburgh line;

East: Abercromby Street; South: River Clyde; and West: Saltmarket/High Street

The PPC considered the neighbourhood put forward by the Applicant. It did not agree that the area could be defined a discreet neighbourhood as it was too small and did not contain enough of the facilities and amenities associated with the ordinary definition of neighbourhood.

The PPC agreed with the Applicant's North boundary, however did not agree with the other boundaries. They considered the Applicant's South boundary – Glasgow Green and felt that it was not appropriate as there was easy access through and across the park to the River Clyde. The river represented both a physical boundary and a psychological boundary separating the City Centre, Calton and Bridgeton from what was commonly known as "the South side". The PPC considered that the Applicant's West boundary Barrack Street/Bain Street was not appropriate as beyond that to the east lay derelict ground. The Committee did not consider that this land formed part of the Bridgeton area. As such, Abercromby Street was felt to be a more appropriate boundary as it clearly marked the beginning of the area commonly known as Bridgeton.

The PPC considered the view of the CP Sub-committee that the neighbourhood should be extended north to include the area commonly known as Drygate at Duke Street. The Committee disagreed that this should be included as the area was significantly different to that to the south of the railway line. The new Collegelands development brought business interests to the area; however a significant majority of the land was given over to car parking or remained derelict and not developed.

The Committee agreed that the neighbourhood which it had defined contained schools food shops, take aways, leisure facilities, residences, a fire station, hardware stores, public houses, a pet shop, a dental practice, a Health Centre, homeless accommodation and various other business interests. There was a sense of community within the area and it enjoyed good transport links with its close proximity and easy access to the City Centre.

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 three pharmacies.

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

In addition there were several further pharmacies situated within the general city centre location. All pharmacies met the needs of the different elements of the neighbourhood including the transient population and the resident population.

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 care. A collection and delivery service was available for any resident finding access to services problematic.

The PPC considered the specific basis of the Applicant's case i.e. that the Barras was a destination which attracted a large visiting population and which could be compared to major retail facilities such as Silverburn, Braehead and Buchanan Galleries.

The Committee rejected this comparison. The retail developments mentioned above were, in the PPC's opinion major shopping facilities which all had what was termed as "destination" stores, which drew large numbers of shoppers. The facilities were all open seven days per week and attracted numbers in the thousands. All offered a significant choice of different outlets. By comparison, the main draw of the Barras, the market opened on two days. The other retail developments were generally single use facilities i.e. bridal shop which did not attract a similar level of custom to the major facilities mentioned by the Applicant. The PPC were aware that the area was of some historical value, however it was clear to see that custom to the area was only of any significance on the days the market was open.

The Committee also considered the Applicant's assertion that patients with long term conditions would be better served by a pharmacy within the defined neighbourhood; however the Applicant had not, in the PPC's opinion provided evidence that showed that this element of the population did not already enjoy access to services from the existing network.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee, Kenny Irvine, Gordon Dykes and James Wallace left the room during the decision 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 was currently adequately

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served.

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant were 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 were 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, Kenny Irvine, Gordon Dykes and James Wallace rejoined the meeting at this stage.

5. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

6. DATE OF NEXT MEETING

To Be Confirmed

The meeting ended at 3.00pm