

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (08)
 Minutes of a Meeting held on
 Thursday 21st April 2011 at 11.30 am in
 Rhuallan House, 1 Montgomerie Drive
 Giffnock, Glasgow G46 6PY

PRESENT:	Dr Catherine Benton	Deputy Chair
	Mrs Maura Lynch	Deputy Lay Member
	Councillor Luciano Rebecchi	Deputy Lay Member
	Dr James Johnson	Non Contractor Pharmacist Member
	Mr Gordon Dykes	Contractor Pharmacist Member
	Mr Kenny Irvine	Deputy Contractor Pharmacist Member
 IN ATTENDANCE:	 Dale Cochran	 Contracts Supervisor – Community Pharmacy Development
	Richard Duke	Contracts Manager – Community Pharmacy Development
	Janine Glen	Contracts Manager – Community Pharmacy Development
	Elaine Paton	Community Pharmacy Development Pharmacist

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. MINUTES

The minutes of the meeting held on Monday 14th March 2011 PPC[M]2011/06 were approved as an accurate record.

3. MATTERS ARISING NOT INCLUDED ON AGENDA

There were no matters arising from the minutes, which were not already included in the Agenda.

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

Case No: PPC/INCL14/2010**Rowlands Pharmacy, Unit 2 Greenlaw Village, Newton Mearns, Glasgow G77 6NP**

The Committee were asked to consider an application submitted by Rowlands Pharmacy to provide general pharmaceutical services from premises situated at Unit 2 Greenlaw Village, Newton Mearns, Glasgow G77 6NP 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 were 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 Rowlands Pharmacy agreed that the application should be considered by oral hearing.

The hearing were 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 were whether "the provision of pharmaceutical services at the premises named in the application were 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 Alasdair Shearer None of the Interested Parties who had submitted written representations during the consultation period had chosen to attend the oral hearing.

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 following: Stewarton Road (B769); Warnock Road; Corroul Road; Harvie Road; Crookfur Road; Stewarton Road; Barrhead Road; Greenfarm Road; Crookfur Road; Greenlaw Road; Teawell Road; Meadowhill; Capelrig Road; Netherplace Road; Hunter Drive and Ayr Road (A77).

The Committee noted that the premises were constructed and were currently empty. The pharmacy area was not yet fitted out. The Committee did not gain access to the premises but were able to view them from the outside.

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 PPC to ask questions. The Applicant was then given the opportunity to sum up.

The Applicant's Case

The Applicant thanked the Committee for giving Rowlands Pharmacy the time to

come along to present their case.

He confirmed that the application had been submitted with the sole intention of relocating Rowland's current premises at Harvie Avenue, and moving the contract to the Greenlaw site. It is not an application for an additional contract as the original contract would close and move to the new premises.

The neighbourhood as defined by Rowlands Pharmacy was:

North: from junction 4 of the M77, through greenbelt land and Whitecraigs Golf club to meet the A77 Ayr Road;

East: the A77 Ayr Road;

South: Where the A77 met the M77; and

West: the M77.

This neighbourhood was also agreed at a previous National Appeals Panel hearing in the same area, and was also defined by Greater Glasgow and Clyde APC.

He advised that looking at the demographics and driving around Newton Mearns it could be seen how affluent the area was. Using Census data, life expectancy in Newton Mearns was above the Scottish average, 78% of the population had good general health compared to the national average of 68% and 90.3% of the population had access to one or more cars. Within the boundaries the Applicant had defined, there were currently four pharmacies; Rowlands at Harvie Avenue, Glendinnings, with Superdrug and Boots within the shopping centre.

The proposed move was around half a mile from the Applicant's current site. It did not leapfrog any existing contractor, and it did not take us into another neighbourhood. The move would serve the same population.

The Greenlaw Village development was a substantial project; a £25 million development aimed at a retail park, restaurants, Waitrose supermarket and also a hope to provide GP services from the location. There had been substantial building of residential homes around the development as well.

The location of the proposed premises was at Unit 2. The Applicant advised that the "retail park" would be better described as a shopping parade – a bookmakers, beauticians, fish & chip shop and dry clearers were all located there, along with an NHS dentist. In reality then, this was the typical scene where you would expect to find a pharmacy. In the Applicant's opinion, this had the makings of a new centre for this neighbourhood.

The Applicant advised that the dynamics of the neighbourhood were changing and that was why Rowlands were proposing this move. This development was changing where people would do their local shopping. This was becoming the

hub for these residents. It was where they would come to shop for groceries. The parade of shops at Harvie Avenue would not be the centre for these residents.

The Applicant stated that the proposed move of the pharmacy would not affect the accessibility to pharmacy services within the neighbourhood. He argued that it would be easier for many residents to access the new premises though those to the east of Harvie Avenue would have slightly further to travel. But this would be only a maximum of half a mile, with roads and pavements that were well laid out and there was an amended bus route to take in the new development though many people in this area would be travelling by car. Tesco Metro had already proved popular with local residents, and the Waitrose store was sure to be a big pull for the residents of Newton Mearns.

Moving premises would give the Applicant a fit for purpose unit for which they had submitted plans of the proposed layout. It would be fitted to the company's "new concept layout" which was featured positively in a number of pharmacy press publications. They had streamlined "front shop" products offering, instead concentrating on advice-driven sales. The Applicant had distinct, clear categories for medicines, health and wellbeing, weight management and other services. They believed it was important to design the pharmacy to be patient focused; ensuring face to face consultation with the pharmacist.

The Applicant asked the Committee to see that this was a minor relocation within the same neighbourhood, a neighbourhood that had changed recently, and as a result, changed the way in which services were accessed by those who lived in it. The move would not disadvantage anyone within the neighbourhood, and as such was very much still accessible and desirable.

The PPC Question the Applicant

In response to questioning from **Mr Dykes**, the Applicant accepted that Rowlands Pharmacy had objected to previous applications to open a new pharmacy contract at the Greenlaw Village Development. He advised however, that he viewed this current application as being different. There had been a suggestion in the previous application that the Retail Park was a neighbourhood in its own right. Rowlands had disagreed with this view. Rowlands advised that the current service in the neighbourhood was adequate. They were merely looking to relocate services.

In response to further questioning from Mr Dykes as to whether Rowlands would close their pharmacy in Harvie Avenue if the application were granted, Mr Shearer confirmed that this was difficult to say as the company would continue to have terms on the lease of the premises. He did not believe there was a need for an additional contract and it had always been the company's intention to move premises.

In response to further questioning from Mr Dykes regarding parking provision at the new development, the Applicant advised that in his opinion, there would be sufficient car parking spaces. He did not envisage that visitors to the facility would require long stay parking facilities. Most would be in the development for short periods of time and there were 174 spaces. He agreed that there may be a certain amount of overspill from

customers using Waitrose, but remained of the opinion that there was sufficient provision.

In response to questioning from **Dr Johnson** regarding the pharmacy's current working relationship with the nearby GP practice, the Applicant advised that there was a close working relationship between the two. The pharmacist in Harvie Avenue had conducted pharmacist prescribing clinics for the practice. He further advised that the GP within the practice was looking to move to the Greenlaw development. This was currently in negotiation.

In response to further questioning from Dr Johnson regarding service provision at the new premises, the Applicant advised that the company would undertake the same level of services and would be open to undertaken additional services, if required by the Health Board.

In response to final questioning from Dr Johnson regarding how much of an issue the neighbourhood was in this application, the Applicant advised that much of the business expected at the new premises would be static, coming from the same neighbourhood as was served from the current location. He agreed there would be a degree of transient population, but had deliberately not relied on this within his presentation as their only access to the development was from the southbound carriageway of the M77. Anyone accessing the development from the other side i.e. northbound M77 traffic would need to travel through Newton Mearns which was already adequately serviced.

In response to questioning from **Mrs Paton** as to whether the Applicant agreed that the move might leave the population surrounding the Harvie Avenue premises with inadequate pharmaceutical services, Mr Shearer agreed that Harvie Avenue was at the centre of the defined neighbourhood and some might argue that the new site was not located centrally within the neighbourhood. He felt, however, that travel to the new site would not be difficult given the distance, the regular bus service and the level of car ownership within the area. He did not feel it would cause a problem for the majority of the population. The company would continue to operate a collection and delivery service which would address the needs of patients who might have a travel issue. He advised that there may be an opportunity to use the premises at Harvie Avenue as a collection point if needed.

In response to questioning from **Mrs Lynch**, regarding whether Rowlands had canvassed public opinion surrounding the proposed move, the Applicant advised that no formal consultation had taken place. He was aware that news of the relocation would have filtered through to the neighbourhood population and no negative feedback had been put forward. Many of the residents had started to use the Tesco Metro facility within the new development.

In response to further questioning from Mrs Lynch regarding the potential relocation of the GP surgery and what implications Rowlands would experience if this relocation did not materialise, the Applicant advised that hopefully there would be no repercussions if the practice move did not take place. The patients who would be most affected would be those who presented at the surgery and were given an acute prescription, however he still felt there would be sufficient links and this wouldn't cause a problem.

In response to a question from Mrs Lynch regarding timescales, the Applicant advised that

the company were ready to enter into a lease agreement with the landlord of the new premises. Fit out of the unit would take approximately six to eight weeks. He was comfortable that the pharmacy would be open within three months of the formal entry to the Pharmaceutical List.

In response to questioning from **Mr Irvine**, the Applicant confirmed that the current premises in Harvie Avenue saw footfall from throughout the neighbourhood, although he conceded that residents living to the south of the defined neighbourhood might find it more convenient to access services at Glendenning's Pharmacy.

In response to further questioning from Mr Irvine regarding additional services, the Applicant advised that currently Rowlands did not provide needle exchange services from Harvie Avenue as there was not seen to be a need. They provided supervised methadone services and had no limits on numbers.

In response to a request from Mr Irvine to clarify comments made during a response to an earlier question, the Applicant confirmed that it would not be the company's intention to collect prescriptions in the premises at Harvie Avenue for onward transmission to the new premises. He clarified that the intention would be for Harvie Avenue to act as a collection point for repeat prescription requests, although this plan would require further discussion and clarification with both the company and the General Pharmaceutical Council.

In response to questioning from **Councillor Rebecchi**, the Applicant confirmed that the lease on Harvie Avenue had approximately ten years to run and he was not aware of any restrictions on use of the premises.

In response to further questioning from Councillor Rebecchi, the Applicant reiterated Rowland's intention to close the pharmacy at Harvie Avenue and relocate the service provision to the new premises within the Greenlaw development. He was aware that the Regulatory framework under which the application was being considered did not specifically require the closure of the original premises; however he was keen to assure the Committee that the application was for a relocation and not an additional contract. He suggested that the lack of Interested Parties objecting to the application could be taken as evidence of the company's intentions and the other contractors understanding that the application would not increase the number of contracts in the area.

In response to final questioning from Councillor Rebecchi, the Applicant confirmed that the company would continue to operate a collection and delivery service from the new premises.

In response to questioning from **the Chair**, the Applicant confirmed that a decision had not yet been taken on what would happen to the premises in Harvie Avenue.

In response to further questioning from the Chair, the Applicant advised that Rowlands had reduced their holdings of non medicine stock, which now accounted for approximately only 5% of their turnover. The company, like many other contractors, was unable to compete with the Supermarkets pricing strategy on such items.

In response to further questioning from the Chair regarding why he felt none of the

objectors had turned up to the hearing, the Applicant confirmed his feeling that this was due to there being an understanding that the application was for a relocation and not a new contract. Rowlands was already serving the population to the north of the defined neighbourhood; the relocation would simply result in their moving further north, but would continue to serve the same population. He believed that Boots UK Ltd had only made objection because they objected to every application.

Summing Up

The Applicant was then given the opportunity to sum up.

Mr Shearer advised that he had shown that the application was to relocate the current premises situated in Harvie Avenue to new premises in the Greenlaw development. If granted, the premises in Harvie Avenue would close. He advised that the neighbourhood was not changing. Rowlands would continue to provide services to the population they already served from their current premises. These residents wouldn't have any difficulties in accessing the new premises given the public transport links and the level of car ownership in the area.

He further advised that the relocation was in response to the changing dynamics within the neighbourhood which was resulting in the focus of the neighbourhood moving from one area to another.

Mr Shearer asked the Committee to look favourably on the application.

Before the Applicant left the hearing, the Chair asked Mr Shearer to confirm that he had had a full and fair hearing. He confirmed individually 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:
 - Boots UK Ltd – The Avenue at Mearns, Glasgow G77; and
 - Superdrug Stores Ltd – The Avenue at Mearns, Glasgow G77.
- b) The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee);
- c) The Greater Glasgow & Clyde Area Pharmaceutical Community Pharmacy Sub-

Committee;

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

- d) - The Southside & Eastwood Extra run on Friday 7th January 2011 – no responses were received;
- e) - East Renfrewshire CH(C)P – no response was received;
- f) The following community councils:
 - Levern District Community Council – no response received.

The Committee also considered;-

- g) The location of the nearest existing pharmaceutical services;
- h) The location of the nearest existing medical services;
- j) Demographic information regarding post code sectors G77.5 and G78.1;
- k) Information from East Renfrewshire Council roads, Planning and Transportation Service regarding future plans for development within the area;
- l) NHS Greater Glasgow and Clyde plans for future development of services;
- m) Patterns of public transport in the area surrounding the Applicant's proposed premises;
- n) Information regarding the number of prescription items and Minor Ailment Service activity undertaken by pharmacies within the consultation zone; and
- o) A tabled plan of the proposed premises.

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 the various neighbourhoods put forward by the Applicant, and the Interested Parties, in relation to the application. The Committee considered that the neighbourhood should be defined as follows:

North: the railway line;

East: the A77 trunk road (Ayr Road);

South: the A77 trunk road (Ayr Road) ; and

West: the M77 motorway.

In the Committee's opinion the railway line and M77 motorway were significant physical barriers. The A77 was a major trunk road which was very difficult to cross and had very few pedestrian crossings.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

Having reached that decision, the PPC were then required to consider the adequacy of pharmaceutical services within that neighbourhood, and whether the granting of the application were necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

The Committee noted the Applicant's comments regarding the issue of relocation from Harvie Avenue and the assertion that this would not increase the number of pharmacy contracts in the area. The Committee was however mindful that the statutory framework under which the application had to be considered required the Committee to consider the application the same as an application for a new contract.

The Committee noted that within the neighbourhood as defined by the PPC there were four pharmacies. These pharmacies provided all core pharmacy services, along with several supplementary services. The Committee considered that the level of existing services did ensure satisfactory access to pharmaceutical services for the population within the defined neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate.

The Committee considered the Applicant's various reasons for granting the application and while they agreed they were commendable, did not feel they led to a conclusion that the current service in the area was 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 were currently adequately served.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee, Gordon Dykes and Kenny Irvine left the room during the decision process:

DECIDED/-

The PPC were 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 are included in the Pharmaceutical List and in the circumstances, it were the unanimous decision of the PPC that the application be refused.

The Chemist Contractor Members of the Committee Gordon Dykes and Kenny Irvine

**Contractor
Services
Supervisor**

rejoined the meeting at this stage.

5. CHANGE OF OWNERSHIP

The Committee having previously been circulated with Paper 2011/21 noted the contents which gave details of Changes of Ownership which had taken place in the following cases:

Case No: PPC/CO03/2011 – Mr Danilo P Guidi, 139 Thurston Road, Glasgow G52 2AZ

The Board had received an application from Guidi's Pharmacy Ltd for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Mr Danilo P Guidi T/A Guidi's Pharmacy at the address given above.

The Committee noted that this was a change to a limited company rather than a full change of ownership and there was therefore no need for formal approval by the Committee.

NOTED/-

6. MODEL HOURS – REVIEW

A A Hagan Ltd, 115 Grieve Road, Greenock PA16 7AW

The Committee having previously been circulated with Paper 2011/22 noted the contents which gave details of the review undertaken regarding A A Hagan's authorization to operate below the minimum hours of service required under the Model Hours of Service Scheme.

The Committee noted the comments made by the contractor in response to the Board's request for an update on how the current hours of service were viewed by patients. The Committee was disappointed to note the contractor's comments regarding gauging the views of patients.

After comprehensive discussion, the Committee agreed that the contractor should be asked to undertake a formal consultation exercise involving patients to ascertain the level of satisfaction regarding the current opening hours of the pharmacy.

Results of the exercise were to be presented to the Committee after which they would determine whether the current authorization should be extended.

**Contracts
Manager**

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

The Committee having previously been circulated with Paper 2011/23 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/CO02/2011 – Fittleworth Medical Ltd, 59-61 Queen Street, Glasgow G1 3EN

The Board had received an application from Fittleworth Medical Ltd for inclusion in the

Board's Pharmaceutical List at an appliance supplier previously listed as Shuropody Ltd t the address given above. The change of ownership was effective from 1st April 2011.

The Committee was advised that the level of service was not reduced by the new contractor.

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

NOTED/-

8. CONTROL OF ENTRY TO THE PHARMACEUTICAL LIST AMENDMENT REGULATIONS

The Committee having previously been circulated with Paper 2011/24 noted the contents which gave details of changes made to the Regulatory Framework by SSI 2011/32.

The Committee noted that the attachments provided with the papers did not match the Appendices appearing in the Paper. It was therefore agreed that an amended set of papers be sent to each Committee member.

**Contractor
Services
Supervisor**

NOTED/-

9. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

10. DATE OF NEXT MEETING

The next meeting of the Committee would take place on 5th May 2011.

The meeting ended at 2.50pm