

NOT YET ENDORSED AS A CORRECT RECORD

Paper No 06/41

Pharmacy Practices Committee (02)

Minutes of a Meeting held on

Thursday 5th April 2006

Seminar Room, Homoeopathic Hospital, Great Western Road,
Glasgow, G12

PRESENT:

Andrew Robertson	Chairman
Prof J McKie	Deputy Lay Member
William Reid	Deputy Lay Member
Prof James Johnson	Non Contractor Pharmacist Member
Colin Fergusson	Contractor Pharmacist Member

IN ATTENDANCE

Janine Glen	Contractor Services Manager
David Thomson	Director of Pharmacy

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

No declarations of interest were made on any of the applications to be considered.

1. APOLOGIES

Apologies were received on behalf of Alan Fraser and Mrs P Cox.

2. MINUTES

The Minutes of the meeting held on Monday 13th February 2006 **PPC[M]2006/015** were approved as a correct record with the following amendment:

Page 14 – closing quote marks in Para 3 of Alyson Irving’s submission should move from after the word “fail” to after the word “adequate”.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

Janine advised that appeals had been received in respect of all three applications considered by the Committee in February. These had

ACTION

been forwarded to the National Appeals Panel in accordance with the current regulations, and a response was awaited.

Section 1 – Applications Under Regulation 5 (10)

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

**i) Case No: PPC/INCL02/2006
M&D Green, 52 Skirsa Street, Glasgow G23.5**

The Committee was asked to consider an application submitted by M&D Green, to provide general pharmaceutical services from premises situated at 52 Skirsa Street, Glasgow G223.5 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

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

The Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had agreed that it was not necessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from M&D Green, agreed with the initial decision and reiterated that the application should be considered by the written representations.

Prior to the hearing, the Panel had individually made visits to the site at 52 Skirsa Street, Glasgow G23.5.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the Applicant's premises namely:

Rowlands Pharmacy – 144 Balmore Road, Glasgow G22.6;
Lloydspharmacy – 1421 Maryhill Road, Glasgow G20.9;
Maryhill Pharmacy – 10 Gorstan Street, Glasgow G23.5 and 1129
Maryhill Road, Glasgow G20.9;

- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding post code sectors G20.9, G22.6 and G23.5;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) A tabled letter from M&D Green responding to the written representations received during the consultation period.

CONCLUSION

The Committee noted that the Applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises situated at 52 Skirsa Street, Glasgow G23.5. The premises were already constructed, and the Applicant had satisfied the Board that they were in pursuit of the lease.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

The Committee noted that they had considered applications for premises in this area in March 1991.

For the purposes of considering the application, the Committee defined the neighbourhood as the area bound to the North by Tresta Road, as beyond this lay a cemetery which acted as a natural barrier; the East boundary was Balmore Road at its meeting with Tresta Road, to its meeting with the canal; the canal formed the south boundary to Cadder Road on the west boundary and north to join Tresta Road.

Having reached that conclusion the Committee were then required to

consider the adequacy of existing pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

The Committee noted that there were currently five contractors providing services within the consultation area, although none within the neighbourhood defined by the Committee. While all provided pharmaceutical services the Committee did not consider that the defined neighbourhood was being adequately served the existing pharmaceutical network. They pointed to evidence showing that all existing contractors while participating in the supervised methadone administration scheme could increase capacity.

The Committee noted that the Area Pharmaceutical General Practitioner Sub-committee had recommended approval of this application citing that the neighbourhood constituted a discreet population which was currently not being served. The Committee agreed with this view. They suggested that a pharmacy at the proposed location could as well as providing much needed health services, instil a sense of community into an area which was characterised by high deprivation, low car ownership and higher than average elements of the population who make most use of pharmaceutical services.

The Committee were confident that the establishment of a pharmacy in the neighbourhood would provide easier access for the population and would offer opportunity for the population to access expanded services once the new contract had been fully implemented. This could only benefit the health of the local community.

In summary, the Committee considered that the services within the defined neighbourhood were not adequate, as there were no existing pharmacies. A pharmacy would provide much needed focus for a deprived population who currently required travelling to access services. It would also allow the population to access expanded services through the new contract.

In accordance with the statutory procedure the Chemist Contractor member of the Committee Colin Fergusson was excluded from the decision process:

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the NHS Greater Glasgow & Clyde's Pharmaceutical List at 52 Skirsa Street, Glasgow G23.5 for the provision of general pharmaceutical services be granted.

**Contractor
Services
Supervisor**

The chemist contractor member of the Committee rejoined the meeting at this stage.

- ii) **Case No: PPC/INCL03/2006
Wm Morrison Supermarkets PLC, 20 Auchinlea Way,
Glasgow G33.9.**

The Committee was asked to consider an application submitted by Wm Morrison Supermarkets PLC, to provide general pharmaceutical services from premises situated at 20 Auchinlea Road, Glasgow G33.9 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

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

The Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had agreed that it was not necessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Wm Morrison Supermarkets PLC, agreed with the initial decision and reiterated that the application should be considered by the written representations.

Prior to the hearing, the Panel had individually made visits to the site at 20 Auchinlea Road, Glasgow G33.9.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the Applicant's premises namely:

Lloydspharmacy – Unit 38 Shandwick Square, Glasgow G34.9 and Unit 2 317 Hallhill Road, Glasgow G34.4; and
Easterhouse Health Centre Pharmacy – 9 Auchinlea Road, Glasgow G34.9.

- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding post code sectors G33.5 and G34.9;
- f) Patterns of public transport; and
- g) Greater Glasgow NHS Board plans for future development of services.

CONCLUSION

The Committee noted that the Applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises situated at 20 Auchinlea Road, Glasgow G33.9. The premises were already constructed, and were owned by the applicant.

The Committee learned that this application was part of a programme being pursued by the applicant to extend their pharmaceutical activity.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

The Committee noted that they had considered applications for premises in this area on one previous occasion in October 2004.

For the purposes of considering the application, the Committee defined the neighbourhood as the area bound to the North by Auchinlea Road. This was a natural boundary given the flow of traffic and the location of the Health Centre; the East boundary was Wardie Road at its meeting with Auchinlea Road, to its meeting with the M8 motorway; the motorway formed the south boundary to Gartloch Road on the west boundary.

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

The Committee noted that they had refused the previous application considered in 2004. The applicant had appealed this decision, and the National Appeals Panel had upheld the appeal. Pharmaceutical Services had commenced from the premises in mid 2005. This brought the total existing pharmacies within the defined neighbourhood to three.

The Committee were confident that the existing pharmaceutical network provided an adequate service to the neighbourhood population. In considering this most recent application the Committee were satisfied that neither the applicant, nor any other interested party had provided evidence to the contrary. The Committee were therefore satisfied that the application was neither necessary nor desirable.

In accordance with the statutory procedure the Chemist Contractor member of the Committee Colin Fergusson was excluded from the decision process:

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary or desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the NHS Greater Glasgow & Clyde's Pharmaceutical List at 20 Auchinlea Road, Glasgow G33.9 for the provision of general pharmaceutical services be refused.

**Contractor
Services
Supervisor**

The chemist contractor member of the Committee rejoined the meeting at this stage.

**iii) Case No: PPC/INCL04/2006
Mr N Ahmad, 10 Newdyke Road, Kirkintilloch G66.2.**

The Committee was asked to consider an application submitted by Mr N Ahmad, to provide general pharmaceutical services from premises situated at 10 Newdyke Road, Glasgow G66.29 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

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

The Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received

- in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had agreed that it was not necessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Mr N Ahmad, agreed with the initial decision and reiterated that the application should be considered by the written representations.

Prior to the hearing, the Panel had individually made visits to the site at 10 Newdyke Road, Kirkintilloch G66.2.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the Applicant's premises namely:
- Boots the Chemist – 9 The Regent Centre, Kirkintilloch G66.1;
Sinclair Pharmacy – 31 Townhead, Kirkintilloch G66.1;
Merkland Pharmacy – 75 Merkland Drive, Kirkintilloch G66.3;
Lloydspharmacy – 56 Cowgate, Kirkintilloch G66.1 and
National Co-op Chemists – 101 Cowgate, Kirkintilloch G66.1
- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding post code sectors G66.1 and G66.2;
- f) Patterns of public transport; and
- g) Greater Glasgow NHS Board plans for future development of services.

CONCLUSION

The Committee noted that the Applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services

from premises situated at 10 Newdyke Road, Kirkintilloch G66.2. The premises were already constructed, and the Applicant had satisfied the Board that they were in pursuit of the lease.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

For the purposes of considering the application, the Committee defined the neighbourhood as the area bound to the North by Hillend Road. This was a natural boundary given the flow of traffic and the location of the A803 trunk road; the East boundary was Merkland Road, to its meeting with Waterside Road; following the path of the burn on the south boundary to for the west boundary to Hillhead Road.

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

The Committee noted that the current pharmaceutical network within the area commonly known as Kirkintilloch was concentrated around the town centre. The sole pharmacy outwith this small area was situated on the west boundary of the neighbourhood as defined by the Committee, on Merkland Road. The Director of Pharmacy advised the Committee that this particular pharmacy provided general pharmaceutical services, but was not a participant in the supervised methadone administration scheme.

The Committee noted that much of the defined neighbourhood was one of high deprivation with low car ownership and as such most of those within the neighbourhood who were being treated with methadone required to travel outwith the neighbourhood to access this. The Director of Pharmacy advised the Committee that the existing contractors within the town centre had capacity to take on more patients.

The Committee, after comprehensive discussion agreed that the concentration of pharmacies around the GP surgeries in the town centre resulted in other areas of Kirkintilloch being devoid of services where they might be needed. The Committee considered that one such area could be the neighbourhood as defined. This was, in the Committee's opinion a discreet population who at present had to travel to access adequate pharmaceutical services.

In summary, the Committee agreed that pharmaceutical services in the defined neighbourhood were not adequate given the number of contractors currently operating. The Committee therefore concluded that the granting of the application was necessary and desirable.

In accordance with the statutory procedure the Chemist Contractor member of the Committee Colin Fergusson was excluded from the decision process:

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was necessary and desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in the NHS Greater Glasgow & Clyde's Pharmaceutical List at 10 Newdyke Road, Glasgow G66.2 for the provision of general pharmaceutical services be granted.

**Contractor
Services
Supervisor**

The chemist contractor member of the Committee rejoined the meeting at this stage.

**iv) Case No: PPC/INCL05/2006
Apple Healthcare Group, 2b Monreith Avenue, Glasgow
G61.1**

The Committee was asked to consider an application submitted by Apple Healthcare Group, to provide general pharmaceutical services from premises which were situated at 2b Monreith Avenue, Glasgow G61.1 under Regulation 5(2) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

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

The Chairman, Lay Members and Director of Pharmacy had previously received notice of the application, along with associated information including:

- i) The application form and supporting statement;
- ii) The map and information contained at **Appendix 4** of the papers;
- iii) Notification of decisions taken on previous applications received in respect of premises in the same post-code area; and
- iv) Other information the Board felt was relevant to allow them to consider whether the application should be considered by oral hearing.

Having considered the information, the Chairman, Lay Members and Director of Pharmacy had unanimously agreed that it was unnecessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Apple Healthcare Group, agreed with the initial decision and reiterated that the application could be determined

based on the written representations and that an oral hearing was not required.

The Committee members had individually made visits to the site at 2b Monreith Avenue, Glasgow G61.1.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the applicant's premises namely:

Alliance Pharmacy – 8 Rozelle Avenue, Glasgow G15.7;
Lloydspharmacy – 195 Knightswood Road, Glasgow G13.2, 57 Milngavie Road, Glasgow G61.2 and 8 New Kirk Road, Glasgow G61.3 and
Sinclair Pharmacy – 145 Spey Road, Glasgow G61.1

- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
e) Demographic information regarding post code sectors G13.2, G15.7 and G61.1;
f) Patterns of public transport; and
g) Greater Glasgow NHS Board plans for future development of services.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises situated at 2b Monreith Avenue, Glasgow G61.1. The premises were already constructed, and the applicant had satisfied the Board that they were in pursuit of the lease.

In considering this application, the Committee was required to take into account all relevant factors concerning the definition of the neighbourhood served and the adequacy of existing pharmaceutical services in the neighbourhood in the context of Regulation 5(10).

For the purposes of considering the application, the Committee defined the neighbourhood as the area bound to the North by Pendicle Road to its junction with Drymen Road, the west boundary being Drymen Road to

Switchback Road, south to its meeting with Maxwell Avenue; the south perimeter being Maxwell Road to Almond Road and north past Spey Road to meet Pendicle Road.

Having reached that conclusion the Committee were then required to consider the adequacy of existing pharmaceutical services in that neighbourhood, and where the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

- i) Within the neighbourhood, as defined by the Committee there was one pharmacy;
- ii) The current pharmaceutical network provided general pharmaceutical services, domiciliary oxygen, and supervised methadone;
- iii) The Committee considered that the level of existing services ensured that satisfactory access to pharmaceutical services existed, to the residential homes in the identified neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate;
- iv) The neighbourhood population was characterised as one of low deprivation, with an above average percentage of car ownership. The population was considered to be fairly mobile and able to access services where they were currently situated.
- v) Having regard to the overall services provided by the existing contractors within the vicinity of the proposed pharmacy, and the number of prescriptions dispensed by those contractors in the preceding 12 months, the Committee agreed that the neighbourhood was already adequately served.

In view of the above, the Committee concluded that the granting of an NHS Contract for the premises situated at 2b Monreith Avenue, Glasgow G61.1 was not necessary or desirable in order to secure the adequate provisions of pharmaceutical services in the neighbourhood in which the premises were situated.

In accordance with the statutory procedure the Chemist Contractor member of the Committee Colin Fergusson was excluded from the decision process:

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary or desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in NHS Greater Glasgow & Clyde's Pharmaceutical List at 2b

**Contractor
Services
Supervisor**

Monreith Avenue, Glasgow G61.1 for the provision of general pharmaceutical services be refused.

The chemist contractor member of the Committee rejoined the meeting at this stage.

5. MATTERS CONSIDERED BY THE CHAIRMAN SINCE THE LAST MEETING

The Committee having previously been circulated with Paper 2006/14 noted the contents which gave details of an application considered by the Chairman outwith the meeting since Monday 13th February 2006.

Minor Relocation of Existing Pharmaceutical Services

i) Case No: PPC/MRELOC01/2006 – J & JG Dickson & Son Ltd, 35 Mitchell Arcade, Glasgow G73.2

The Committee considered the action taken by the Chairman on an application for a minor relocation of a NHS Dispensing contract currently held by J&JG Dickson & Son Ltd, at the above address.

The Committee noted that the application fulfilled the criteria for a minor relocation under Regulation 5 (4) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

The Committee noted that the Chairman had granted the application, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

DECIDED/-

That the Chairman's action in approving the above applications in accordance with Regulation 5(3) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended be homologated.

6. PROGRAMME OF MEETINGS

The Committee having previously been circulated with Paper 2006/14 noted the revised programme of meetings for the remainder of the year.

NOTED/-

7. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

8. DATE OF NEXT MEETING

Scheduled for Tuesday 13th June 2006 at 1.30pm. Homoeopathic Hospital, Great Western Road.

9. REPORT OF A&C PPC MEETING – 27th MARCH 2006

Mrs M Lynch (In the Chair)

Mrs M Hagan
Mr J Semple
Mr J Sharpe
Mr A J P Shearlaw

IN ATTENDANCE

Mr R T Gillespie	Chief Pharmacist – Primary Care
Mr R G Duke	General Pharmaceutical Services Contracts Manager
Mrs J Robertson	Support Officer

1. The meeting was convened in terms of Schedule 3 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 as amended (hereinafter referred to as the Regulations) to consider an application from Mr J Semple, on behalf of Hillview Ltd, for inclusion in NHS Argyll and Clyde's Pharmaceutical List in respect of proposed premises at 74-76 Hawthornhill Road, Dumbarton G82 5JB. Mr Semple wishes to provide the following services: -

Dispensing of medicines and supplying of drugs and of listed appliances as specified in the Drug Tariff.

2. Written representations had been invited from the various bodies and persons listed at paragraph 1(1) of Schedule 3 of the Regulations.
3. In terms of Paragraphs (1) and (2) of Schedule 3 of the Regulations, written representations had been received from the following bodies and persons: -

Area Pharmaceutical Committee, NHS Argyll and Clyde
Boots the Chemist
Lloyds Pharmacy
Kemp Pharmacy

4. In terms of Schedule 3, Paragraph 2 (3) of the Regulations, notice of the meeting was issued on 6 March 2006 to the Applicant, those who had made written representation and to the Members of the Committee.
5. All Members of the Committee undertook a site visit on 27 March 2006 at 9 a.m. They visited the site of the proposed premises at 74-76 Hawthornhill Road, Dumbarton. Mr Semple was unavailable to meet them but sent a representative, Mr F Macpherson, who provided access to the vacant premises. The route of the site visit commenced from the Dumbarton Health

Centre travelling along the Cardross Road (A814) to Hawthornhill Road. Returning via: Cardross to Renton (using the unclassified road), through Renton along the B857 to A82. Turning off the A82 and down along the B830 to Dumbarton's High Street and returning to the Dumbarton Health Centre. The Members were able to note the location of the existing community pharmacies within Cardross, Renton and Dumbarton town centre, all of which were marked on maps, which had been included in the background information, prepared by NHS Argyll and Clyde.

6. In terms of Schedule 4 of the Regulations, Part 1, Paragraph 4, the Chairman of the Committee asked the members present at the meeting whether any of them had an interest to declare or were associated with any person having a personal interest in respect of any matter to be considered at the meeting. No Member declared any such interest or association.
7. The Applicant and the parties from whom written representation had been received were invited to attend the meeting. The Applicant, Mr J Semple was present at the meeting and joined by Mr F Macpherson. Also present, from those who had made written representation, were: Mr C Tait, representing Boots the Chemist; Mr J Paterson, representing Kemp Pharmacy and Ms L Scott, representing Lloyds Pharmacy.

The relevant correspondence comprising copies of the application and written representations received in relation to the application had been circulated on 16 March 2006 to the Applicant, those who had made written representation and to the Members of the Committee. The Committee Members also received background information, prepared by NHS Argyll and Clyde.

8. The Chairman of the Committee introduced herself and asked the Members of the Committee and the other persons in attendance, to also introduce themselves to the applicant and those making representation. The Chairman then asked the applicant and those making representation, to introduce themselves. The Chairman explained that the meeting was convened to determine the application from Mr J Semple, on behalf of Hillview Ltd, for inclusion in NHS Argyll and Clyde's Pharmaceutical List in respect of his proposed premises at 74-76 Hawthornhill Road, Dumbarton G82. She also explained the format of the proceedings to all those present i.e.
 1. Mr Semple to speak in support of his application
 2. Questions invited from interested parties (in turn) to Mr Semple
 3. Questions from the Committee for Mr Semple
 4. Interested parties to state their case.
 5. Questions invited from Mr Semple to the interested parties.
 6. Questions from the Committee to interested parties.
 7. Interested parties to sum up their case
 8. Mr Semple to sum up his case

Before Mr Semple started speaking, Mr Paterson asked the Chairman for confirmation that Mr J Semple, Committee member was not related to the

applicant. The Chairman confirmed there was no personal interest between the Member and the Applicant.

9. **Statement in Support of the Application from Mr Semple**

Mr Semple spoke in support of the application.

He opened his statement in stating that there was no legal definition for neighbourhood. In past legal cases, judges have stated neighbourhood as: an area near the premises that does not need residents or have specified services and is a neighbourhood, for all purposes (Lord Nimmo Smith); has geographic boundaries i.e. a river, a railway line etc. (Lord Justice Banks).

Mr Semple tabled a satellite map of Dumbarton. Referring to this map, he said the River Leven provided a geographic boundary to the west of the town in which approximately 25% of the town's population lived. He acknowledged the existence of six current pharmacies but suggested they were in the wrong localities as four were sited within the town centre. He did not believe the proposed pharmacy would affect the viability of these pharmacies and asked the Committee to consider the needs of people of the neighbourhood and not to protect the town centre pharmacies. On the basis of the River Leven boundary, he defined the neighbourhood as West Dumbarton, which included the localities of Castlehill, Brucehill and Kirktonhill. He stated there were no pharmaceutical services within the proposed neighbourhood. Mr Semple said that Castlehill was the locality that needed a pharmacy. At present there was only a convenience store. He reported that 50% of households in the area did not have transport. The nearest pharmacy was Lloyds at Station Road - 1.2 miles from the proposed site and difficult for the residents without transport. Pharmaceutical services were therefore inadequate, necessary and desirable, which was supported by NHS Argyll & Clyde's APC.

Mr Semple had spoken with and gained support from a Community Councillor and a Local Councillor. He had met also with some residents, the vast majority of who supported this proposal but some had initial concern that it may attract methadone users to the pharmacy. He had pointed out that it would be the communities own methadone users that would use this service, which relayed their concerns. Finally, he said that he believed the public to be unaware of process for opening a new pharmacy and, which was why the Board had received no complaints over the lack of services.

10. **Questions to Mr Semple**

In answer to questions, Mr Semple made a number of statements including that:

1. He had no knowledge of the bus service that served the neighbourhood and the town. He believed patients should not need to use buses to gain access to pharmaceutical services, especially when they were unwell. That was why he had not checked-on bus services.

2. The proposed pharmacy would offer a prescription collection and delivery service.
3. Although all but one of the shops in the row were vacant, Mr Semple understood the landlord, Local Authority, were seeking other tenants. He cited *Ghost Town Britain*, which states the regeneration of an area needs three shops: food pharmacy and source of money. He said that as Castlehill already had a food shop, if this application were successful, it might encourage the opening of a Post Office. He added that he would not have made this application if there were any uncertainty over the future of the building.

11. Representations

1. Mr Tait was invited to make a statement in support of Boots the Chemist written representation.

He said he was familiar with the legal cases referred to by Mr Semple and the definitions of neighbourhood. However, he pointed out the neighbourhood did have people, two bridges over the River Leven (removing boundary difficulties) and major demographic differences (one street to another) which might be used to argue that a different neighbourhood existed every 500 yards. In most Scottish provincial towns, the town centre acted as a hub with access points around. Dumbarton town centre had a good bus service running every 10/15 minutes. The town centre was therefore more easily accessed than the site of the proposed pharmacy.

Adequacy of provision of services does not take into account the length of time a patient may be required to walk for services otherwise a pharmacy could be required every half-a-mile. Furthermore, he did not believe it was unreasonable to expect patients to use a bus to access services. The close proximity of pharmacies to patients may be convenient but he said that this was not what the Regulations state. On this basis, he stated that this application should fail.

Mr Tait stated he believed the neighbourhood was Dumbarton, as a whole.

2. Mr Paterson was invited to make a statement in support of Kemp Pharmacy written representation.

He stated that the Health Board had a duty of care to ensure the stability and viability of the pharmacy network. The new contract and this application, the fourth recently, adds to uncertainty. There was a comprehensive service being supplied within Dumbarton - 7 days a week, 365 days a year, which delivered all current pharmaceutical services with no shortage in methadone supervision. He added that there was a cordial working relationship existing between pharmacies. He noted the applicant had not detailed the services the proposed pharmacy intended to offer. Currently, Kemp Pharmacy was undergoing a refurbishment and stated that it would be increasingly difficult to plan and

invest in future new services when the existing pharmacy network was being threatened through the granting of new contracts.

He noted the applicant had not defined the neighbourhood within his application but the APC had defined this as Castlehill. This is one of many areas in Dumbarton and as far as he was aware, there have been no significant increases within the town's population or general practitioners. Castlehill had no medical services however; bus services ran every 10/15-minutes with a 4-minute drive to the Health Centre and a pharmacy. A free-of-charge prescription pick-up and delivery service was provided by his pharmacy. The location proposed in the application was in a semi-derelict row of shops with only a convenience store open. He had heard from his employees that these shops were being considered for destruction and there was a possibility of new site for the Health Centre. He reiterated that the Board needed to consider the 'bigger picture' and Dumbarton needed stability around the provision of the current level of pharmacy services.

Mr Paterson ended his statement stating the neighbourhood as Dumbarton, as a whole.

3. Ms Scott was invited to make a statement in support of Lloyds Pharmacy written representation.

She opened her statement wishing to concur with a number of points raised by the other interested parties:

- The proposed site was within the neighbourhood of Dumbarton, as a whole.
- The river did not create a physical boundary, as there was easy access over the river.
- A varied social mix did exist throughout Dumbarton.
- It was not difficult to access pharmaceutical services in Dumbarton.
- No details of the services to be offered by the pharmacy.
- All current pharmaceutical services were being delivered.
- A cordial working relationship did exist between competitors.
- Nothing substantial has changed within Dumbarton to warrant the need for increased services.

Ms Scott agreed that no one would want to leave their home out of choice if they were ill. However, as the population was relatively young (5% between 60-75 and 3% over 75 years) we could assume them to be mobile and a 15-minute walk would create no problems. With roads that can be easily crossed, a robust bus service, access to current services was adequate. Although, not part of the current contract she questioned why Mr Semple intended to offer a collection and delivery service. A bus stop existed around the corner from the proposed site and buses ran every 10 minutes, during the week. The journey took 7 minutes to the town centre therefore there are no problems gaining access to services.

Finally, she added that she believed that patients did know how to register a complaint.

12. **Questions to those making representation**

In answer to questions, the following statement was made:

1. Last year's Bellsmyre application was believed to have brought general public awareness to the control and entry to the Regulations for opening of a new pharmacy.

13. **Neighbourhood**

Applicant

The Applicant stated that for the purpose of this application, he considered the neighbourhood to be West Dumbarton, the area west of the River Leven, which included the localities of Castlehill, Brucehill and Kirktonhill, as earlier defined.

Mr Tait

Mr Tait did not agree with the applicant's definition of neighbourhood. He considered the neighbourhood to be Dumbarton, as a whole.

Mr Paterson and Ms Scott

Mr Paterson and Ms Scott did not agree the applicant's definition of neighbourhood either but agreed with Mr Tait's definition as being Dumbarton, as a whole.

14. **Summing Up**

1. Mr Tait was asked by the Chairman to sum up his case.

He said there were no physical boundaries to separate West Dumbarton from Dumbarton. Dumbarton as a whole formed the neighbourhood from the Stirling Road and demographics were very mixed. The services of the town centre formed the hub and access to services was adequate and therefore the application should fail.

2. Mr Paterson was then asked by the Chairman to sum up his case.

He said that existing pharmacies were delivering adequate services and he believed Castlehill was just an area in Dumbarton. If this application were approved, it would make existing services unstable.

3. Ms Scott was then asked by the Chairman to sum up her case

She stated the neighbourhood to be Dumbarton, as a whole. There was no difficulty in accessing existing services and therefore this application was not necessary or desirable.

4. Mr Semple was then asked by the Chairman to sum up his case

He referred to neighbourhood definitions made in previous law cases stating that this application showed a clear geographical boundary that defined West Dumbarton as the neighbourhood. Castlehill was made up of similar types of housing and he did not believe that access to bus transport were of importance in the consideration of this application.

15. Before they left the meeting, the Chairman asked the applicant and those making representation if they had had a full and fair hearing. They all confirmed that they had and that they had nothing further to add to their submissions.

16. The Chairman then thanked Mr Semple, Mr Tait, Mr Paterson and Ms Scott for their attendance and advised them that a report would be written of the meeting and a copy of the report would be sent to them and they would also be advised of the procedure for lodging an appeal.

17. **Consideration**

Thereafter, the Committee considered the application, the written and oral representations that had been received and the background information provided by NHS Argyll and Clyde.

Neighbourhood

The Committee considered the question of the neighbourhood in which it was intended to locate the proposed community pharmacy. There were three suggestions of neighbourhood given to the Committee:

1. The applicant

West Dumbarton, the area west of the River Leven, which included the localities of Castlehill, Brucehill and Kirktonhill

2. Mr Tait, Mr Paterson & Ms Scott agreed the neighbourhood as:

Dumbarton, as a whole.

3. Area Pharmaceutical Committee, NHS Argyll & Clyde

Castlehill.

Adequacy of Existing Pharmaceutical Services and Necessity or Desirability

The Committee noted that there was no pharmacy in the neighbourhood proposed by the applicant and that NHS Argyll & Clyde had received no complaints that the existing provision of pharmaceutical services was inadequate.

18. Withdrawal of Non-Voting Pharmacists

In accordance with Schedule 4, paragraph 6 (3) of the Regulations, the community pharmacist member appointed under paragraph 3 (1)(b)(ii) of the said Regulations withdrew from the meeting to allow the application to be determined.

19. Determination

Having regard to the representations received under Paragraph 1 of Schedule 3 of the Regulations and all available information relevant to the consideration of the application, the Committee determined, after careful consideration, that:

1. The neighbourhood was the locality of Castlehill, the area bound by Renton Road (A812) and Cardross Road (A814).
2. It noted there were no current pharmacy within the neighbourhood.
3. The provision of pharmaceutical services as defined in the application was considered by the Committee to be necessary and desirable to secure the adequate provision of pharmaceutical services within the neighbourhood.
4. In these circumstances, the Committee unanimously agreed that the application from Mr Semple, on behalf of Hillview Ltd, for the dispensing of medicines and supplying of drugs and appliances as specified in the Drug Tariff should be approved.

20. The non-voting pharmacist was invited to re-enter the Meeting and was advised of the decision.