

<b>Meeting:</b>	<b>Trust Management Team</b>
<b>Date:</b>	
<b>Paper No:</b>	
<b>Subject:</b>	<b>Pharmacy Practices Committee of 23<sup>rd</sup> January 2003</b>
<b>Presented by:</b>	<b>Charles Scott, Committee Chairman</b>

## ITEM No.

PPC[M]2003/01

Minutes of the Meeting of the Pharmacy Practices Committee  
**held on Thursday 23<sup>rd</sup> January 2003 at 1.30pm**  
in the Craighead Room, Couper Institute, 86 Cathcart Road, Glasgow

### PRESENT:

Charles Scott  
Mrs Susan Robertson  
Mrs Patricia Cox  
Dr James Johnson  
Gordon Dykes

Chairman  
Lay Member  
Lay Member  
Non-contractor Pharmacist Member  
Contractor Pharmacist Member

### IN ATTENDANCE:

David Thomson  
Grace Watson  
  
Mrs Janine Glen  
Mrs Carol Anderson  
Jim Rae  
David Aitken

Director of Pharmacy  
Family Health Services Officer  
(Pharmaceutical)  
Contractor Services Manager  
Interested Party  
Interested Party  
Interested Party

**Prior to the consideration of business, the Chairman asked members if they had an interest in the application to be discussed.**

**No declaration of interest was made.**

#### 1. APOLOGIES

Apologies were received on behalf of Alan Fraser.

#### 2. APPLICATION FOR INCLUSION IN THE PRIMARY CARE TRUST'S PHARMACEUTICAL LIST

**Case No: PPC/INCL08/02 – John Gilbride, 668 Eglinton Street, Glasgow G5.9**

**Application by** Mr John Gilbride (“the Applicant”) seeking inclusion in the Trust’s Pharmaceutical List at 668 Eglinton Street, Glasgow G5 (“the Premises”).

- I) On 23<sup>rd</sup> January 2003 the Pharmacy Practices Committee (“the PPC”) heard the application by the Applicant seeking inclusion in the Trust’s Pharmaceutical List to provide pharmaceutical services from the Premises.
- II) The hearing was convened under paragraph 2(2) of Schedule 3 to the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended (“the Regulations”). In terms of this paragraph, the PPC “shall determine an application in such manner as it thinks fit.” In terms of Regulation 5(10) of the Regulations, the question for the PPC is whether “the provision of pharmaceutical services at the premises named in the application is necessary or desirable to secure adequate provision of pharmaceutical service in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List.”
- III) The Applicant appeared in person, accompanied by Simon Gilbride. Objectors who were entitled to and did attend the hearing were Mrs Carol Anderson on behalf of L B Dunn Chemists, 105 Crown Street, Glasgow G5 and 426 Victoria Road, Glasgow G42; Mr Jim Rae on behalf of Donald Munro Chemists Ltd of 182 Main Street, Barrhead, Glasgow G78; Mr David Aitken on behalf of G S Kitchin Pharmacy, 162 Nithsdale Road, Glasgow G41 (“the Objectors”).
- IV) The procedure adopted by the PPC was that the Chairman asked the Applicant and the Objectors to each make a submission to the Panel. Each submission was followed by the opportunity for other parties and the PPC to ask questions. The parties were then given an opportunity to sum up. Before the parties left the hearing, the Chair of the Committee asked them if they felt they had a full and fair hearing. All confirmed that they had, and they had nothing further to add to their submissions.
- V) The PPC was required and did take into account all relevant factors concerning the issues of:-
  - (a) Neighbourhood;
  - (b) Adequacy of existing pharmaceutical services in the neighbourhood and, in particular whether the provision of pharmaceutical services at the premises named in the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located.
- VI) The PPC took into account all written representations and supporting documents submitted by the Applicant, the Objectors and those who were entitled to make representations to the PPC. Namely:
  - (a) Pharmacy contractors within the vicinity of the applicant’s proposed premises;
  - (b) the Area Medical Committee (General Practitioner Sub-Committee);
  - (c) the Greater Glasgow Area Pharmaceutical (General Practitioner Sub-Committee);

The Committee also considered:-

  - (d) the location of the nearest existing pharmaceutical services and the level of NHS dispensing carried out during the preceding 12 months;
  - (e) the location and level of general medical services in the area;

- (f) **demographic information regarding post-code sectors G5.9 and G41.1;**
- (g) patterns of public transport; and
- (h) Primary Care Trust plans for the future development of services.

#### Applicants' Case

- VII) The Applicant commenced his presentation by informing the PPC why he considered the granting of the contract to be necessary. He suggested that his application was based on the needs and requirements of the Gorbals community which he considered included the provision of supervised methadone services, which were at present, in his opinion, not currently being provided by the existing pharmacies in the area. He believed that this underprovision would continue even with the establishment of the supervision facility which he knew was planned for Florence Street Clinic. He believed that additional provision was required to serve this community. He drew the PPC's attention to the fact that the Greater Glasgow Area Pharmaceutical Committee had supported his application, which he felt was in recognition of the fact that if methadone users cannot be accommodated, the methadone programme won't work. He advised that he had considerable experience in the supervision of methadone and was aware that those admitted to a methadone programme needed to stay in the programme consistently, for the best chance of success. As the two existing pharmacies in the Gorbals area were unable to accommodate any further patients, it would be necessary for methadone patients living in Gorbals to travel outwith the area to access a supervision programme. He was aware that the Florence Street Clinic facility would be able to serve 60 people, while he estimated that approximately 300 people required this facility in the Gorbals area. He suggested that even if his application were granted and the resulting pharmacy provided methadone services to capacity, there would still be a shortfall in provision for this element of the Gorbals population. He accepted that the problem of underprovision for methadone patients was not restricted to Gorbals; however he suggested that in other areas the problem may not be as acute.
- VIII) On questioning by Mrs Anderson the Applicant confirmed that, if his application were granted, he anticipated being able to provide services to a total of 60 methadone users. He further confirmed that there was not much demand for methadone services in his present premises at 40 Paisley Road West, putting the numbers of methadone patients currently being served at approximately 10-20, with the capacity to increase this number. In response to further questioning by Mrs Anderson, the Applicant confirmed that he did not envisage experiencing problems in making alternative arrangements for patients currently receiving services from his present premises. He advised those present that his company owned another pharmacy in the Kinning Park area (the area in which his present premises were situated). This pharmacy was situated further along Paisley Road West, and could accommodate his existing patients. He refuted Mrs Anderson's claim that he was moving because a nearby pharmacy in Kinning Park was currently providing services to 85 methadone patients, which Mrs Anderson claimed called into question the Applicant's commitment to the care of methadone patients. In response to Mrs Anderson's suggestion that the spirit of the methadone programme was built upon the provision of the service to patients in their own neighbourhood, and that the Applicant's premises were not situated within the Gorbals neighbourhood, the Applicant confirmed that he had been unable to find a suitable site closer to Gorbals. Mrs Anderson concluded by reiterating her suggestion that methadone services aimed at the Gorbals community should be provided in the Gorbals neighbourhood; she asked that the Applicant accept that the Florence Street facility, once established, may alleviate the underprovision. The Applicant declined to agree with this suggestion, reaffirming his belief that unmet demand would persist, regardless of the capacity offered by Florence Street.

- IX) On questioning by Mr Rae, the Applicant verified that he had conducted research which had shown that the two pharmacies in Gorbals providing methadone services had reached their limit in the number of patients they could accommodate. Mr Rae suggested that the current situation in Gorbals required understanding and claimed that the Applicant's research was incorrect. He asked whether the Applicant could produce documentary evidence to substantiate his claims. The Applicant reiterated that his research showed the numbers of methadone patients receiving services from the two Gorbals pharmacies to be at full capacity.
- X) In response to questioning from Mr Aitken, the Applicant confirmed that he would work hard ensure that the patients currently being served by his pharmacy at 40 Paisley Road West would not be adversely affected his relocation were granted.
- XI) On questioning from the PPC the Applicant accepted that there was capacity for other pharmacies included in the Trust's consultation exercise, to increase the number of methadone patients they provided services for. He suggested, however that users of methadone did not, as a general rule, want to travel, nor did they easily overcome barriers put in their way. He suggested that the location of the Premises would preclude patients from having to travel to other pharmacies with capacity that were perhaps further away. He further advised the PPC that the two pharmacies currently situated in the Gorbals predominantly served residents in the Laurieston area. The inhabitants living on the other side of Gorbals Street were not served by any other pharmacy, the Pollokshields pharmacies (GS Kitchin and Pollokshields) were too far away, hence his conclusion that there was an underprovision of services to methadone patients in the Gorbals area.
- XII) Mr Dykes asked the Applicant to explain what research he had conducted to support his application. The Applicant advised that he had spoken to individual GPs, but hadn't gone to the Health Centre, nor had he spoken to Glasgow Drug Problem Service (GDPS). He had also spoken to Kay Roberts (Area Drug Specialist) and David Thomson who had both provided information which was helpful, but not privileged.
- XIII) Mr Dykes asked the Applicant whether, in the event of his application being refused, he would support any future application for the same premises. In response, the Applicant explained that he hadn't objected to a previous application submitted by Mrs Anderson, although he hadn't actively supported the application.
- XIV) On further questioning from the PPC the Applicant confirmed that his present premises did not offer a good supervision area for methadone users, although patients were offered a degree of privacy in that they could not be witnessed taking their medication. He confirmed that if his application were granted, the new pharmacy would be organised in such a way as to provide an appropriate specialist facility for the administration of supervised methadone. The Applicant could not confirm whether he would provide a needle exchange scheme from the Premises if his application were granted.
- XV) Mrs Robertson asked the Applicant whether he would still be keen to relocate his premises, if the perceived underprovision of services to methadone patients was not an issue. In responding, the Applicant agreed that if the Florence Street facility were to completely meet the current demand, he would re-evaluate his plans. He did not, however, consider this to be case. He remained convinced that the facility would only partially meet the demand for service.
- XVI) In response to questions from Mrs Cox, the Applicant advised that he would draw his general clientele from the following area: Norfolk Street, Nithsdale Road, Cathcart Road, Shields Road.
- XVII) The Applicant, in answering questions regarding the provision of services from the premises, expanded his plans for methadone facilities. He advised that a separate

area would be set aside in the new pharmacy for the purpose of supervising methadone consumption, and other users of the pharmacy would be unaware of the procedure being carried out. He envisaged that the staff currently employed at 40 Paisley Road West would relocate to his other pharmacy situated at 323 Paisley Road West, and he would consider transferring experienced staff from other branches in his company's chain to the new pharmacy.

- XXVIII) Dr Johnson enquired whether the Applicant had given consideration to the proposed motorway extension plans which were due to start in 2005 and were planned to continue for two or three years, and which could affect access to the premises. The Applicant confirmed that he hadn't considered this issue.

### **The Interested Parties Case**

- XIX) Mrs Anderson stated that she felt the Applicant's case to be based on the provision of methadone services only, while she considered that it should be based on general pharmaceutical services. She reiterated that she had tried to remain focused on the provisions contained in the Pharmacy Regulations and the description of pharmaceutical services. She did not propose to challenge the definition of the neighbourhood advanced by the PPC when considering previous applications for the same premises. She considered that the Applicant had defined a completely different neighbourhood, and she could not concur with his definition. She considered the premises to be outwith the Gorbals area, and was of the view that the overall provision of services in the neighbourhood in which the premises were situated, to be entirely adequate. She considered the Gorbals area to be well served by existing contractor who had invested much time and money in providing these services.
- XX) Mrs Anderson advised the PPC that the Trust was aware of the perceived problems highlighted by a section of the community, in relation to methadone patients in Gorbals. Existing contractors in the area had worked with the Trust to alleviate this situation. The Florence Street facility would contribute to addressing any unmet demand in the area, and Mrs Anderson was of the opinion that it made sense to wait and see how this service developed before granting another dispensing contract.
- XXI) In conclusion Mrs Anderson did not consider that the granting of the Applicant's proposal was necessary or desirable, and urged the PPC to refuse the application.
- XXII) Mr Rae stated that he accepted the neighbourhood defined by the PPC in previous applications. He pointed out that this was the third application submitted by the Applicant for the same premises, and suggested that he (the Applicant) had failed to bring any new information to the debate, or to show that there had been any significant changes to the neighbourhood since the previous application was considered. He considered the Applicant's comments regarding the current situation within the Gorbals as being ill informed and factually incorrect, and did not feel that the perceived problems within the area could in any part be countered by the granting of an additional contract.
- XXIII) Mr Aitken reiterated the comments made by the preceding Objectors. He considered that if there was, as the Applicant suggested, an unmet demand for methadone services in the area, the other pharmacy contractors in the neighbourhood would have been made aware. He felt that the case for another contractor in the area was unjustified and therefore should be rejected.
- XXIV) On questioning from the PPC Mr Rae explained how the methadone patients who had been moved on from the pharmacies in Gorbals had been chosen. He advised that the decision had been taken in conjunction with Social Services and the Glasgow Drug Problem Service. He reiterated to the PPC that the perceived anti-social behaviour in the Gorbals area could not be fully attributed to methadone patients, as had been suggested by some elements of the community. He advised that along with Mrs Anderson he had tried to develop a means of delivering a methadone programme

that didn't impact negatively on residents in the Gorbals area. He reaffirmed his view that the high demand for methadone services was not unique to the Gorbals area.

- XXV) On questioning from the PPC Mrs Anderson advised that only one aspect of pharmaceutical services in the Gorbals area was under pressure, and that was the provision of methadone services. The provision of general pharmaceutical services in the area was adequate.
- XXVI) On further questioning from the PPC Mrs Anderson asserted that her application to establish a pharmacy in Eglinton Street resulted from her frustration that the numbers of methadone patients had had to be restricted due to the perceived problems highlighted by elements of the community. She didn't consider that core pharmaceutical services in Gorbals were inadequate; however she had accepted that within current Regulations she had no other option but to apply for a full dispensing contract. She believed that if methadone services were not made available in the Gorbals area, patients could be encouraged to attend a facility providing services in Eglinton Street.

### Summing Up

- XXVII) **The Interested Parties** were invited by the Chair to sum up. Mr Rae suggested that no new considerations had been brought to the debate since the PPC considered the last application for these premises. Mrs Anderson wanted to reiterate her belief that the Applicant had based his application on the perceived underprovision of methadone services in the Gorbals area, although she did not believe that he had shown any evidence of his commitment to the supervised methadone programme, given his apparent failure to develop facilities for methadone patients in his current premises. She urged the PPC to consider the Florence Street facility, which had not, in her opinion been given an opportunity to make a difference to the current situation. Mr Aitken stated that patients' needs had to be considered and were in his opinion, already well served in the area in which the premises were situated. He considered that the Applicant had demonstrated little interest in any patients other than those included in the methadone programme.
- XXVIII) **The Applicant** felt the granting of the contract was necessary and desirable for the reasons already given. He pointed to the recommendation of the Greater Glasgow Area Pharmaceutical Committee that the application be granted, and asserted that they were experienced in filtering out applications that did not demonstrate necessity or desirability. The fact that they had chosen to support his application, in his opinion, showed that he had demonstrated that the provision of pharmaceutical services in the neighbourhood in which the Premises were situated, was both necessary and desirable.
- XXIX) He was grateful for the Objectors' comments but felt that they were not valid and could be construed as contradictory. He had based his application on the provision of methadone services in particular as it was a necessary consideration for patients in the Gorbals area. He did not agree with the Objectors' view that the under provision of services was part of a perceived problem. In conclusion, he urged the PPC to give due consideration to his application.

### Decision

#### **Neighbourhood**

- XXX) Having considered the evidence presented to it, and the PPC's observations from their site visit, the PPC had to decide first the question of the neighbourhood in which the premises, to which the application related, were located.
- XXXI) The Panel considered that the neighbourhood should be defined as follows: on the northern boundary by the M8 motorway; on the southern boundary by Queens Park;

on the western boundary by St Andrews Drive; on the eastern boundary by the River Clyde.

- XXXII) The reasons for the PPC's decision were that the premises were situated in an area where the neighbourhood had declined, and where there was an absence of significant residential properties. The one mile radius used for the consultation exercise held within it, four clearly defined neighbourhoods i.e. Gorbals, Kinning Park, Govanhill and Pollokshields. These neighbourhoods were each distinct from the other, and easily identifiable from a map.
- XXXIII) The PPC was of the view that the premises situated at Eglinton Street could be said to lie on the edge of all four neighbourhoods, although not properly part of any of them.

**Adequacy of existing provision of pharmaceutical services and necessity or desirability**

- XXXIV) Having reached that conclusion, the PPC was then required to consider the adequacy of existing 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.
- XXXV) The PPC considered information received from Glasgow City Council and the Social Inclusion Partnership, which showed high deprivation in the Gorbals area. Other information available to the PPC showed the area to have lower than average levels of car ownership, and higher than average levels of unemployment, long term ill health and drug dependency. The PPC was aware of the current situation with regards to methadone supervision in the area, and the perception of some local residents that the level of methadone activity was affecting property sales. This concern had caused some residents to voice complaints, and the Trust was currently working with other agencies to try and ensure that all patients in the Gorbals who were currently on a methadone programme, continued to have access to this service, while limiting any detrimental effects on the local residents. Immediate action in the form of limiting the number of patients being receiving their supervised doses at the current pharmacies in the area had resulted in patients who wanted to come onto the programme not being accommodated. The methadone review undertaken by the NHS Board had advocated increased access to the service, and this was not borne out in Gorbals. As a means of alleviating the situation while providing more supervision places, the Trust in conjunction with other agencies had decided to establish a satellite supervision service at Florence Street Clinic, which would serve to ease the situation. The Director of Pharmacy wished to stress however, that the Florence Street facility, once established, would not fully address the unmet need in the area, as currently only six patients had been identified as being appropriate for transferring their supervision to the new site, while estimates were that approximately 300 patients required but could not access methadone services in Gorbals. The Director further informed the PPC that the satellite facility would only provide services on a part time basis from 9.00am until 11.00am. Planning permission had been requested for a portacabin structure adjacent to Florence Street Clinic that would allow all day supervisions, however the outcome of this was not yet known.
- XXXVI) The PPC considered the Applicant's rationale for establishing a pharmacy at the Premises; that such a facility would provide much needed methadone services to the population of Gorbals, who at present, were faced with an underprovision due to the requirement to restrict the numbers of patients receiving their supervision from the two existing pharmacies in the area. The PPC did not consider that the Applicant's premises were situated in the same neighbourhood as Gorbals, and was concerned that the distance between the two would preclude patients from travelling to access services. In addition, the PPC were mindful that the Regulations required them to consider the adequacy of general pharmaceutical services in the neighbourhood, and not solely one element (i.e. methadone).

- XXXVII) The PPC was aware that the proposed Florence Street facility had yet to be established, and as such the effect the facility would have on the provision of services in the Gorbals area, could not yet be quantified. The PPC was of the opinion that the Applicant had not ably demonstrated, nor was there any evidence available to the PPC from any other source to show that the situation had changed materially since the PPC last considered an application for the Premises in September 2001.
- XXXVIII) Within the neighbourhood as defined by the PPC, there was adequate provision of pharmaceutical services provided by the numerous pharmacies located in the neighbourhood. There was no evidence that the granting of an additional NHS contract would make the pharmaceutical services to the neighbourhood more adequate. The PPC were satisfied that the current pharmaceutical network provided an adequate service to meet the current demand for pharmaceutical care in the area, the PPC therefore did not consider the granting of the application to be necessary.
- XXXIX) Having considered the Applicant's justification for the relocation of pharmaceutical services to the Premises, the PPC did not agree that there was evidence of a sufficient need or desirability to justify the granting of the application. The application appeared to be based on the improvements that could be made to the Applicant's business and not on any perceived improvement of services to the neighbourhood population.
- XXXX) Having regard to the overall services provided by the existing contractors within the vicinity of the Premises, and the number of prescriptions dispensed by those contractors in the preceding 12 months, the PPC agreed that the neighbourhood was already adequately served.
- XXXXI) For the reasons set out above, the PPC considered that the existing pharmaceutical service in the neighbourhood was adequate. Accordingly, the PPC was not satisfied that the provision of pharmaceutical services at the premises of the Applicants was either 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.

**In accordance with the statutory procedure, the chemist contractor member of the Committee, Mr Dykes was excluded from the decision process.**

***DECIDED/-***

- XXXXII) In the circumstances, it was a majority decision of the PPC that the application be refused.

FHS Officer  
(Pharmaceutical)

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

**3. ANY OTHER COMPETENT BUSINESS**

There was no other competent business.

**4. NEXT MEETING**

The next meeting of the Committee was arranged for Thursday 20<sup>th</sup> February 2003.

The Meeting ended at 4.00pm