

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (04)

Minutes of a Meeting held on

Thursday 18th August 2005

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

PRESENT:

Andrew Robertson	Chairman
Alan Fraser	Lay Member
William Reid	Deputy Lay Member
Prof W J McKie	Deputy Lay Member
Mrs Kay Roberts	Non Contractor Pharmacist Member
Alasdair Macintyre	Contractor Pharmacist Member

IN ATTENDANCE

Trish Cawley	Contractor Services Supervisor
Margaret Cluer	Family Health Services Assistant
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 a person who had a personal interest in the applications to be considered by the Committee.

No declarations of interest were made.

1. APOLOGIES

Apologies were received on behalf of Patricia Cox, Colin Fergusson and Dr Johnson.

2. MINUTES

The Minutes of the meeting held on Tuesday 7th June 2005 **PPC[M]2005/03** were approved as a correct record.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

i) Janine advised the Committee that the National Appeals Panel

ACTION

had called an oral hearing to consider the two appeals submitted against the Committee's decision to grant Colin & Ann Fergusson's applications to provide services from 194 (not confirmed) Petershill Road, Glasgow G21. The appeal would be heard on 30th August 2005.

- ii) Janine advised the Committee that Olayinka Ogunnoika had submitted an appeal objecting to the decision taken at the last meeting to refuse her application to provide services at 10 Yokermill Road, Glasgow G13.4. The appeal had been forwarded to the National Appeals Panel and their decision on how to consider the appeal was awaited.

Section 1 – Applications Under Regulation 5 (10)

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

- i) **Case No: PPC/INCL08/2005
Mr Mohammed Rashid, 351 Bilsland Drive, Glasgow G20.9**

The Committee was asked to consider an application submitted by Mr Mohammed Rashid, to provide general pharmaceutical services from premises which situated at 351 Bilsland Drive, Glasgow G20.9 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 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 agreed that it was necessary to consider the application by oral hearing.

The Committee, having previously been circulated with all the papers regarding the application from Mr Rashid, agreed with the initial decision and reiterated that the application should be considered by oral hearing.

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 a 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.”

The Applicant was represented in person by Mr Mohammed Rashid (“the Applicant”), Interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing, included: Mr James McKeever, assisted by Mr David Henry (Lloyds Pharmacy), Ms Nicola Ferguson (Maryhill Dispensary), Ms Alison Irving, assisted by Mr David Anderson (Alliance Pharmacy, previously Moss Chemists), Mr Gordon Dykes (Bannerman’s Pharmacy), and Mr Scott McCammon (Greater Glasgow Area Pharmaceutical General Practitioner Sub-Committee) (“the Interested Parties”).

Prior to the hearing, the Panel had individually made visits to the site at 351 Bilsland Drive, Galsgow G20.9.

The procedure adopted by the PPC at the hearing was that the Chairman asked the Applicant to make his submission. There followed the opportunity for the PPC and the Interested Parties to ask questions. The Interested Parties then individually made their submissions. After each submission there followed the opportunity for the PPC and the Applicant to ask questions. The Interested Parties and the Applicant were then given the opportunity to sum up. Before the parties left the hearing, the Chair of the PPC asked if they had had a full and fair hearing. Each confirmed that they had, and that they had nothing further to add to their submissions.

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.

The PPC 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;
- 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, G20.7 and G22.6;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) Tabled papers submitted by the applicant in response to the written representations submitted during the consultation period.

The Applicant's Case

Mr Mohammed for the Applicant commenced his presentation by thanking the Committee for offering him the opportunity to explain why he felt his application was both necessary and desirable.

He stated that he would keep his submission brief as he felt that his written submission had explained his rationale comprehensively. He suggested that rather than repeat these arguments, it may be more useful to use the time for the Interested Parties and the PPC to seek clarification on any point raised in his written submission.

Mr Rashid suggested his application was both necessary and desirable for all the reasons stated in his written submission. In particular he indicated that the neighbourhood was situated on a hill, was relatively isolated, had experienced a reduction in the public transport provision and an increase in housing in the area.

The PPC Question the Applicant

On questioning by the PPC the Applicant conceded that many of the residents within the neighbourhood would have access to cars, and would travel outwith the area to access services. In response he questioned why these residents should have to travel outwith the area. He contended that in addition to those who had to travel there was a significant percentage of the neighbourhood who lived in social rented housing and who didn't have access to transport.

The Applicant also clarified that the north and west boundaries of the neighbourhood, as defined within his written submission was Maryhill Road, and Balmore Road respectively.

The Applicant agreed with the PPC's assertion that there had in fact been a reduction in housing within the area, and a change in focus caused by the demolition of tenements; from high density to low density housing. The Applicant contended however that there was development around the canal area. There was due to be an increase in housing provision at Ruchill Street, and development was imminent on the Ruchill site itself.

The Applicant also confirmed that if his application were granted, he would not necessarily deem it necessary to provide extended hours. This decision could be reviewed in the future if perhaps a GP surgery moved into the neighbourhood.

The Interested Parties Question the Applicant

On questioning by Mr James McKeever, the Applicant confirmed that he was currently registered as a non-practising pharmacist, and that he would undertake work as a locum to gain the necessary experience he felt he currently lacked. He also confirmed that he would require to undertake further study to allow him to provide many of the additional services which he stated in his written representation that he would provide. This would also include training to become a Supplementary Prescriber

On further questioning by Mr McKeever, the Applicant confirmed that if he was standing at the site of the proposed premises, the nearest GP surgeries would be at Maryhill Health Centre, and at Murano Street. He did not agree with Mr McKeever's assertion that the GP surgery in Balmore Road was included in the neighbourhood to be served by the proposed pharmacy.

The Applicant also disagreed with Mr McKeever's assertion that people living within the neighbourhood would have to travel outwith the area for their weekly shop. He pointed to the shops already within the neighbourhood and proposed that whilst currently the neighbourhood might not provide the range of services which Mr McKeever asserted would normally be associated with "a neighbourhood", there would likely be an increase in services in the next year or two.

In response to Mr McKeever's question regarding the points made regarding difficulties experienced by patients with accessing public transport, the Applicant confirmed that he had no documentary evidence to support the points made. The Applicant also confirmed that the services he intended to provide would be no different from those currently provided by the existing contractors.

In response to questioning from Ms Ferguson, the Applicant confirmed that he would employ a locum pharmacist while he was involved in undertaking extra study and setting up the pharmacy.

In response to questioning from Ms Irving, the Applicant confirmed that he was not aware of any complaints made to the Health Board regarding pharmaceutical services in the neighbourhood. He contended that he was unaware that he could access this information.

On further questioning from Ms Irving, the Applicant accepted that the proposed opening hours contained in his written submission differed from those appearing on his original application form. The Applicant was unable to say with certainty, at this point, what the proposed opening hours of the pharmacy would be. He accepted that patients would require to access services elsewhere if his pharmacy closed at 1.00pm on a Saturday, however at this time he was unsure of the precise timing. He would in all probability open from 9.00am – 6.00pm six days per week; however this could not be confirmed at this stage.

On further questioning from Ms Irving the Applicant accepted that the housing currently being developed by Bellway would be sold for approximately £200,000 and would be bought by residents who would have access to their own transport. He further agreed that there was currently no increase in the population statistics for the Ruchill area. He confirmed that the letter submitted by Maryhill Housing Association dated 29th May 2005, described statistics which would include Maryhill and Ruchill.

On further questioning from Ms Irving, the Applicant confirmed that currently Nursing Homes in the neighbourhood would receive services from other pharmacies in the area, and in particular Lloyds Pharmacy.

In response to questioning from Mr Dykes regarding the proposed increase in shopping facilities, the Applicant confirmed that there were plans to build on the school area.

In response to further questioning from Mr Dykes regarding the effect that school closures would have on patterns of travel within the area, the Applicant confirmed that three schools were being closed and one was being built. He felt that the increase in housing in the area would compensate for any reduction in foot traffic caused by the school closure programme.

The Interested Parties' Case – Mr James McKeever (Lloyds Pharmacy)

Mr McKeever thanked the Committee for allowing Lloyds Pharmacy to be represented, and stated that Lloyds Pharmacy did not believe that a new pharmacy at the Applicant's proposed premises would address any inadequacy in services, and that therefore the application was not necessary or desirable. He advised the hearing that Lloyds considered

the neighbourhood to be served by the Applicant as being that defined in Lloyds original letter of objection. Maryhill Road to the west and along Balmore Road to the east, Panmure Street to the south, and to the north the edge of development. He did not agree that the bridges to the west formed part of the natural boundaries which extended to Ruchill. He argued that within this neighbourhood there were no Post Offices, Banks, DSS, GP surgeries or any of the amenities normally associated with the definition of neighbourhood.

While he accepted that Ruchill was positioned on a hill, the residents required to travel outwith this area to focal points such as Balmore Road to access local amenities. Rowlands Pharmacy was situated approximately 8 minutes walk away from the area with no barriers to access. GP services were concentrated in Maryhill Health Centre, with a Lloyds Pharmacy less than 100 metres away. Maryhill Pharmacy was relatively close. Rowlands Pharmacy on Balmore Road was adjacent to the GP surgery, and the GP surgeries in the Possilpark area were in close proximity to the pharmacies situated on Saracen Street. He accepted that patients using the Health Centres might be inconvenienced if they had to travel back to Bilsland Drive to access services; however Lloyds mapping software showed that there were currently 14 pharmacies in a one mile radius of the Applicant's proposed premises.

He contended that the existing services were adequate. It was his contention that the opening hours proposed by the Applicant were no better than those already offered. Patients would need to travel outwith the area on a Saturday afternoon and therefore there would be no improvement.

Mr McKeever pointed to Page 2 of the Applicant's written representation and asserted that the points raised were based on assumption, with the Applicant showing no evidence to support these. He further pointed to Page 4 of the Applicant's written representation and suggested that the proposed services represented nothing more than the Applicant's wish list. He had found no evidence that the Applicant had any expertise in the provision of these services, and reminded the hearing that these services were no different to those already provided by the existing network, a point that had been accepted by the Applicant.

He pointed out that currently Lloyds Pharmacy within the area provided oxygen, head lice treatment, provided advice to care homes, smoking cessation, methadone and a collection and delivery service when requested. The pharmacy was about to undergo a refurbishment which would increase the capacity to meet future needs.

In conclusion, Mr McKeever stated that currently residents within the neighbourhood travel to outlying parts of the area as part of their every day life. A further pharmacy would not improve service.

The PPC Question Mr McKeever

In response to a question from the Chair, Mr McKeever confirmed that Lloyds did not formally offer a collection and delivery service, but more on an ad hoc basis in response to individual patient circumstances. The service was not disease specific.

In response to a point made by Mrs Roberts that he had demonstrated a presumption that access to pharmaceutical services should be near a supermarket, Mr McKeever stated that he had sought to demonstrate that a neighbourhood should contain basic elements including banks, Post Office etc.

In response to a question from Mr Reid, Mr McKeever asserted that he did not consider there to be inadequacies in the current service. This having been said, he considered it to be the Applicant's role to demonstrate inadequacies in the current level of provision.

There were no questions to Mr McKeever from the Applicant or other Interested Parties.

Ms Nichola Ferguson – (Maryhill Dispensary)

Ms Nichola Ferguson, on behalf of Maryhill Dispensary, contended that the population within the neighbourhood would require to travel to access local every-day services. Currently the area enjoyed adequate provision of pharmaceutical services. There was no evidence to suggest otherwise.

Ms Ferguson drew the hearing's attention to Page 4 of the Applicant's written statement where he contended that there were no collection and delivery services currently available in the area. She argued that from the submissions made during the hearing there appeared to be numerous services already being provided.

Ms Ferguson contended that the Applicant had not shown any evidence of dissatisfaction with the current level of service, and that current services included those required by the current contract. She also contended that contractors at present offered over and above this level of service.

There were no questions to Ms Ferguson, from the PPC, the Applicant or other Interested Parties.

Ms Alison Irving – (Alliance Pharmacy – formerly Moss Chemists)

Ms Irving thanked the PPC for providing the opportunity of appearing to put forward Alliance's case against the granting of the Applicant's request for inclusion in the Board's Pharmaceutical List.

She advised the hearing that the critical test under Regulation 5(10) of the Regulations related to adequacy. She reminded the PPC that the

initial consideration was to be whether the current pharmaceutical provision within the defined neighbourhood was adequate. If the current provision was deemed adequate, the application fell at this point, there being no requirement for the PPC to consider the arguments around necessity or desirability. Only where the PPC deemed the current provision to be inadequate should the PPC be required to consider the question of necessity or desirability.

Ms Irving contended that currently within the neighbourhood there were ten pharmacies within 0.83 miles from the applicant's proposed premises. These contractors currently provide a full range of services, including medication reviews and holistic care.

Ms Irving referred the hearing to Document Reference 9 of the Applicant's written submission and argued that she needed to query some of the measurements given. She contended that the following measurements were more accurate, having been recorded by driving between the points and by a computer assisted programme.

- Rowlands Pharmacy, Balmore Rd	0.59 miles
- Bannerman's, 220 Saracen St	0.79 miles
- Bannerman's, 171 Saracen St	0.78 miles
- Houlihan Pharmacy, 128 Saracen St	0.83 miles
- Moss Pharmacy, Queen Margaret Dr	0.68 miles
- Lloyds, 1421 Maryhill Rd	0.69 miles
- Maryhill Dispensary, Shawpark St	0.61 miles
- Maryhill Pharmacy, 1129 Maryhill Rd	0.47 miles
- Munro, 549 Maryhill Rd	0.52 miles

Ms Irving suggested that the services provided from these premises were adequate. She contended that the pharmacy profession was currently entering a period of transition in preparation for the introduction and implementation of the new pharmacy contract. Contractors were currently working hard to ensure that an innovative model of service could be developed to address the challenges of the new contract. Ms Irving contended that the granting of an additional contract in this area would hinder this development.

The PPC question Ms Irving

In response to a question from Mrs Roberts, Ms Irving accepted that in agreeing with the neighbourhood suggested by Lloyds Pharmacy, the number of pharmacies was reduced.

In response to a question from Professor McKie, Ms Irving expanded on her point regarding the pharmacy contract. She explained that existing contractors were currently readying themselves for the introduction of the new contract. Many of the initiatives e.g. consultation areas would require contractors to invest finances into their service. She contended that the granting of another contract would further dilute what was currently an adequate service, and could affect viability for existing

contractors. Ms Irving reiterated that in terms of the new contract she felt there was a need to give consideration to the financial viability of contractors.

There were no questions to Ms Irving from the Applicant or other Interested Parties.

Mr Gordon Dykes – (Bannerman’s Pharmacy)

Mr Dykes thanked the PPC for allowing him to put forward Bannerman’s case. He suggested that the new housing along the canal would lead to residents migrating across the canal. He further suggested that the development currently proposed on the Ruchill site was being referred to as “the new West End”. These houses would in all probability be purchased by residents who were mobile, and who would not, he suggested, use Ruchill for amenities.

In response to the Applicant’s point regarding the diminution of bus services, Mr Dykes suggested that First Bus would not arbitrarily cut services unless there had been a reduction in demand.

He suggested that there were adequate delivery services currently in the area. He was aware that Houlihan Pharmacy provided a collection and delivery service.

The PPC Question Mr Dykes

In response to a question from the Chair, Mr Dykes confirmed that while Bannerman’s did not provide a delivery service, they would deliver to particularly infirm patients, or where there was a known crisis.

There were no questions to Mr Dykes from the Applicant or other Interested Parties.

Mr Scott McCammon – (Area Pharmaceutical Committee General Practitioner Sub-Committee)

Mr McCammon advised the hearing that he had no further comments to make to the Sub-Committee’s initial written representation.

There were no questions to Mr McCammon from the PPC, the Applicant or other Interested Parties.

The Interest Parties Sum Up

Mr McKeever reiterated that patients currently required to travel outwith the area to access amenities. Services were currently adequate, and the Applicant’s services would not make any improvement. The Applicant had agreed that he would not provide any additional services to those already being provided. Mr McKeever would question the Applicant’s ability to provide services during the training period. He would ask the

Committee to reject the application.

Ms Ferguson stated she had nothing to add to her initial submission.

Ms Irving repeated that the existing contractors were already providing a full and comprehensive service. There was no evidence to suggest that the current level of service was not adequate. The granting of an additional contract was therefore not necessary or desirable and she would therefore ask the PPC to reject the Applicant's application.

Mr Dykes recapped that Ruchill was an area which had seen dramatic changes in its social mix. The area used to be one of deprivation with high density local authority housing. The new residential developments were low density owner-occupied housing, which seemed to be reversing the trend. This was resulting in the development of small pockets of residential provision which he contended were too small to be considered neighbourhoods. For this reason the application should be refused.

Mr McCammon stated he had nothing to add to the GP Sub-Committee's initial submission.

The Applicant Sums Up

The Applicant apologised for his lack of experience, and suggested that he would have been more prepared if he had been more familiar the process. He advised that he had heard all the objections put forward by the Interested Parties, and had understood most of them. He felt he was unable to define the neighbourhood with absolute certainty. He knew that it would include Maryhill Road and Balmore Road. He accepted that at the moment the current services were adequate and it was not his intention to argue otherwise. He suggested that after hearing all submissions he considered the case for a pharmacy in the neighbourhood to be reasonable. He pointed to the increase in population in the area. He also contended that the reduction in bus service did not necessarily mean that demand in Ruchill had decreased, but rather demand has decreased elsewhere. He finally contended that the increase in housing deemed the granting of the contract to be necessary and desirable.

DECISION

Neighbourhood

Having considered the evidence presented to it, and the PPC's observation from the site visits, the PPC had to decide first the question of the neighbourhood in which the premises, to which the application related, were located.

The Committee considered that the neighbourhood should be defined as follows:

North: Canal, which was a natural boundary
West: Maryhill Road at Kelvindale Road to Garscube Road (including both sides)
South: Panmure Street, Stronend Street to Balmore Road
East: Balmore Road to Bilsland Drive, along residential development to canal.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

Having reached that decision, the PPC was then required to consider the adequacy of pharmaceutical services 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.

Within the neighbourhood as defined by the PPC, the committee considered that there was an adequate provision of pharmaceutical services provided by the existing three contractors located immediately within the neighbourhood and by the numerous pharmacies in the adjacent neighbourhoods. There was no evidence available to the PPC that accessibility to the present pharmaceutical services provided by the current pharmaceutical network was not adequate. There was no evidence of any immediate significant increase in the population within the area and it was noted that currently the population was in fact in decline. Any reversal of this trend should be reconsidered in the future when the various redevelopments had been completed.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Alasdair MacIntyre was excluded from the decision process:

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was neither necessary nor desirable in order to secure adequate provision of pharmaceutical service in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the majority decision of the PPC that the application be refused.

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

**ii) Case No: PPC/INCL09/2005
Mr Mohammed Rashid, 672 Eglinton Street, Glasgow G5.9**

The Committee was asked to consider an application submitted by Mr Mohammed Rashid, to provide general pharmaceutical services from premises which are situated at 672 Eglinton Street, Glasgow G5.9 under

**Contractor
Services
Supervisor**

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 applicant had submitted a detailed volume of material in support of his application considered to be of sufficient clarity to allow the committee to consider the case without the need for an oral hearing

The Committee, having previously been circulated with all the papers regarding the application from Mr Rashid, 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 672 Eglinton Street, Glasgow G5.9.

The Committee considered views and representations received from

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

Moss Pharmacy – 155 Crown Street, Glasgow G5.9, 639 Cathcart Road,, Glasgow G42.8, 426 Victoria Road, Galsgow G42.8;
Lloyds Pharmacy – 491 Victoria Road, Galsgow G42.8;
Gajree Pharmacy – 617 Pollokshaws Road, Glasgow G41.2;
Munro Pharmacy – Unit 2, Kwiksave Unit, Crown Street, Glasgow G5.9;
Boots the Chemist – 417 Victoria Road, Galsgow G42.8 and 55 St Enoch Centre, Glasgow G1.4;
DLL Robertson Chemist – 558 Cathcart Road, Glasgow G42.8;
Govanhill Pharmacy – Govanhill Health Centre, 233 Calder Street, Galsgow G42.7;

Pollokshields Pharmacy, 198 Albert Drive, Glasgow G41.2;
Hughes Chemist – 16 Admiral Street, Glasgow G41.1; and
Gilbride Chemists – 40 Paisley Road West, Glasgow G51.1.

- 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 G5.9, G41.2 and G42.7;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) Land Services plans for future development of services from Glasgow City Council.

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 to be situated at 672 Eglinton Street, Glasgow G5.9. 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 the same premises on 12 previous occasions, two of which related to relocation of existing premises.

The Committee considered that the premises were situated in an area, where the neighbourhood had declined, and where there was an absence of significant residential development. 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.

The Committee 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.

For the purposes of considering the application, the Committee therefore defined the neighbourhood as the area bound to the West by St Andrews Drive, to the North by the M8 Motorway, to the East by the River Clyde, and to the South by Queens Park.

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 were several pharmacies. The area in which the applicants proposed premises were situated lay on the edge of four distinct neighbourhoods, each of which enjoyed the adequate provision of services provided by the current network. Currently there were two community pharmacies within the neighbourhood known as Gorbals, there were three within the area of Kinning Park, six within Govanhill and three within Pollokshields;
- ii) The current pharmaceutical network provided domiciliary oxygen, supervised methadone, needle exchange and extended hours;
- iii) The Committee considered that the level of existing services ensured that satisfactory access to pharmaceutical services existed, to the small level of residential homes in the identified neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate;
- iv) That there had been no significant increase to population within the neighbourhood since the Committee last considered an application for these premises in September 2001;
- 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 672 Eglinton Street 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 members of the Committee Alasdair MacIntyre were 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 Greater Glasgow NHS Board's Pharmaceutical List at 672 Eglinton Street, Glasgow G5.9 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/INCL10/2005
Invercoast Ltd, The Former Post Office, 1 Duntiglennann
Road, Duntocher, Glasgow G81.6**

The Committee was asked to consider an application submitted by Invercoast Ltd, to provide general pharmaceutical services from premises which were situated at 1 Duntiglennan Road, Duntocher G81.6 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 Invercoast Ltd, 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 1 Duntiglennan Road, Duntocher, Glasgow G81.6.

The Committee considered views and representations received from

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

Stuart McColl – 142 Duntocher Road, Clydebank G81.3;
Lloyds Pharmacy – 375 Kilbowie Road, Clydebank G81.2; and
Clan Chemists – 3 Rockbank Place, Hardgate Cross, Clydebank G81.5.
- 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 G81.2, G81.3, G81.5 and G81.6.;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services; and
- h) Land Services plans for future development of services from West Dunbartonshire Council;
- i) Unsolicited responses received from members of the public; and
- j) A petition submitted by the applicant.

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 to be situated at 1 Duntiglennan Road, Duntocher, Glasgow G81.6. 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 previously considered an application for premises in the same vicinity in 2004. On that occasion the Committee approved the application, however this decision was overturned on appeal.

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Division) at page 116 of the papers. The Committee agreed the neighbourhood as follows: east - Cochno Road at its meeting with Great Western Road, west along Great Western Road, to the north of Mountblow Road, north into the area of greenbelt then east beyond the residential area, to meet Cochno Road. The Committee agreed that the premises were located outwith the area commonly known as Clydebank. They pointed to the busy junction at Hardgate which they considered to be a barrier to pedestrians and a separation from Clydebank,

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

The Committee noted that within the neighbourhood as defined by the Committee there were no pharmacies. The Committee therefore concluded that the services currently available to the neighbourhood were less than adequate.

The Committee noted that there were no GP surgeries located within the defined neighbourhood. They did not; however consider that this had any significant bearing on the Applicant's case. The Committee asserted that the dispensing of prescriptions was only one area of pharmaceutical activity, and that it was generally recognised that the role of the pharmacist had moved beyond that of dispensing.

The Committee noted that there had been for some time issues around an unmet need in relation to supervised methadone and needle exchange services in this area for some time. The Applicant had indicated that if granted, he would provide these services, which the Committee considered would bring some much needed capacity to the area.

The Committee agreed that it was desirable for the neighbourhood that a pharmacy be established at the applicant's proposed premises. They considered it desirable as currently the local residents had a considerable walk on an incline to attend Clan Chemist at Hardgate Cross, and because it would increase capacity within the area.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Alasdair MacIntyre were 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 Greater Glasgow NHS Board's Pharmaceutical List at 1 Duntiglennan Road, Glasgow G81.6 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.

5. MATTERS CONSIDERED BY THE CHAIRMAN SINCE THE LAST MEETING

The Committee having previously been circulated with Paper 2005/15 noted the contents which gave details of an application considered by the Chairman outwith the meeting since Tuesday 7th June 2005.

I) Minor Relocation of Existing Pharmaceutical Services

i) Case No: PPC/MRELOC03/2005 – Catterson Chemist, 25 Shawbridge Arcade, ,Galsgow G43.1

The Committee considered the action taken by the Chairman on an application for a minor relocation of a NHS Dispensing contract currently held by Catterson Chemist, 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.

ii) Case No: PPC/MRELOC04/2005 – Lloyds Pharmacy, 29 Dunkenny Square, Glasgow G15.8

The Committee considered the action taken by the Chairman on an application for a minor relocation of a NHS Dispensing contract currently held by Lloyds Pharmacy, 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.

**II) Transfer of National Health Service Dispensing Contract
Where a Change of Ownership has Taken Place**

**Case No: PPC/CO1/2005 – Craigend Pharmacy, 11 Mossvale
Crescent, Glasgow G33**

The Committee considered the action taken by the Chairman on an application for the transfer of an NHS Dispensing contract held by Craigend Pharmacy at 11 Mossvale Crescent, Glasgow G33.

The Committee noted that the Chairman had granted the application with effect from 28 July 2005, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

DECIDED/-

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

6. SUSPENSION OF CONTRACT

**Case No: PPC/SUS02/2005 – Safeway Pharmacy, 900 Crow Road,
Glasgow G13.1**

The Committee was asked to consider an application submitted by Safeway Stores PLC seeking a temporary suspension of their NHS dispensing contract for a period of 4 days to allow a complete refurbishment of the shop to be carried out. The proposed closure would be effective from 6.00pm on Saturday 24th September 2005 and re-open at 8.30am on Thursday 29th September 2005.

The Committee noted that this was the last in a Safeway pharmacy in Glasgow to undergo transfer to a Morrison's format subsequent to the takeover last year. While the Committee noted that the refit would take place during a holiday weekend, they were confident that there sufficient alternative providers in the area, so that the neighbourhood would not experience undue inconvenience. Safeway had satisfied the Committee that local arrangements had been put in place to minimise the disruption to the service and that the responses received during consultation had been favourable. With this in mind, the Committee agreed to look favourably on Safeway's request.

DECIDED/-

The Committee agreed to grant a temporary suspension of contract for a period of 4 days from 24th to 29th September 2005.

**Contractor
Services**

7. **ALTERATION TO CURRENT HOURS OF SERVICE**

Case No: PPC/ALT01/2005 – J&JG Dickson & Son Ltd, 6/8 Tullis Street, Galsgow G40.1

The Committee were asked to consider an application submitted by J & JG Dickson & Son, seeking an alteration to the hours of service recorded in the Pharmaceutical List for the pharmacy situated at 6/8 Tullis Street, Glasgow G40.1

In considering the application in accordance with Regulation 8(3) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 as amended, the Committee had to determine whether the alteration of hours would affect the adequacy of services in the neighbourhood in which the premises were located.

The Committee agreed that they could not give due consideration to the application in the absence of information relating to the contractor's current hours of service. Accordingly, the Committee agreed to defer consideration of the application pending the receipt of this information.

DECIDED/-

That consideration of the application is deferred until the applicant provides information relating to their current hours of service.

**Contractor
Services
Supervisor**

8. **NATIONAL APPEALS PANEL DETERMINATIONS**

The Committee having previously been circulated with Paper 2005/18 noted the contents which gave details of the National Appeal Panel's determination of appeals lodged against the Committee's decision in the following case;

Mr C M Razwan Shafi, 34 Bridge Street, Galsgow G5.9

The Committee noted that the National Appeals Panel had upheld the appeals submitted against the PPC's decision to grant Mr Shafi's application. As such his name would not now be included in the Pharmaceutical List at these premises.

9. **ANY OTHER COMPETENT BUSINESS**

The Committee considered a request made by Mr John Gilbride to close three of his pharmacies on Saturday 20th August 2005. The request had occurred because a football match was taking place in the area and Mr Gilbride felt that this measure was necessary for the security of staff and patients, due to the early kick-off and the likelihood of large numbers of

supporters congregating within the vicinity of the pharmacies.

The Director of Pharmacy had advised Mr Gilbride of the expected procedures to be followed in considering such matters, however Mr Gilbride only became aware of this fixture two weeks before the meeting. He had advised that in normal circumstances this situation would only arise once a year, and he would attempt to submit any future application earlier.

While the Committee were mindful of the short notice surrounding this application, they agreed that in the circumstances Mr Gilbride should be authorised to close the following pharmacies on the requested date:

- Gilbride Chemist – 40 Paisley Road West, Glasgow
- Gilbride Chemist – 182 Copland Road, Glasgow
- Cessnock Pharmacy – 323 Paisley Road West, Glasgow

DECIDED/-

That Mr Gilbride's application to close three pharmacies on 20th August 2005 be granted.

10. DATE OF NEXT MEETING

Scheduled for Wednesday 19th October 2005 at 1.30pm. Venue to be confirmed.

The Meeting ended at 3.50p.m.