

**NOT YET ENDORSED AS A CORRECT RECORD**

**Pharmacy Practices Committee (05)**

Minutes of a Meeting held on  
Wednesday 19<sup>th</sup> October 2005

Meeting Room 1, Gartnavel Royal Hospital, 1055 Great Western Road,  
Glasgow, G12

<b>PRESENT:</b>	Andrew Robertson	Chairman
	Alan Fraser	Lay Member
	Mrs Patricia Cox	Lay Member
	Prof James Johnson	Non Contractor Pharmacist Member
	Gordon Dykes	Contractor Pharmacist Member
	Alasdair Macintyre	Contractor Pharmacist Member

<b>IN ATTENDANCE</b>	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 any person who had a personal interest in the applications to be considered by the Committee.

**ACTION**

**Gordon Dykes declared an interest in application PPC/INCL/05 – Mr Rashid, Hawthorn Street, Glasgow (Minute Number 4 ii) Refers). Alasdair Macintyre declared an interest in application PPC/INCL/05 – Mr T Butt, Western Road, Glasgow G72 (Minute Number 4 iii) Refers)**

**1. APOLOGIES**

Apologies were received on behalf of Colin Fergusson and Prof J McKie.

**2. MINUTES**

The Minutes of the meeting held on Thursday 18<sup>th</sup> August 2005 **PPC[M]2005/04** were approved as a correct record.

**3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA**

i) Janine advised the Committee that the National Appeals Panel

had called an oral hearing to consider the three appeals submitted against the Committee's decision to grant Invercoast Ltd's application to provide services from the Former Post Office, 1 Duntiglennan Road,, Glasgow G81.6. The date of the oral hearing had not yet been confirmed.

- ii) Janine advised the Committee that Mr Rashid had not taken the opportunity of lodging an appeal against the Committee's decision to refuse his applications to provide services from 351 Bilsland Drive, Glasgow, G20 and 672 Eglinton Street, Glasgow G5. The files concerning these applications were now closed.

#### **Section 1 – Applications Under Regulation 5 (10)**

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

- i) Case No: PPC/INCL12/2005  
Boots the Chemist Ltd, 50 Crow Road, Glasgow G11.7**

The Committee was asked to consider an application submitted by Boots the Chemist Ltd, to provide general pharmaceutical services from premises situated at 50 Crow Road, Glasgow G11.7 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 Boots the Chemist Ltd, 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 Charles Tait (“the Applicant”), Interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing, included: Mr Robin Hogarth (J A Hogarth (Chemists) Ltd), Ms Alyson Irving, assisted by Mr David Anderson (Alliance Pharmacy, previously Moss Chemists), Mr Andrew Hand, assisted by Mrs Helen Hand (Andrew Hand Pharmacy), and Mrs Sandra Lewis (M S Lewis Pharmacy) (“the Interested Parties”).

Prior to the hearing, the Panel had individually made visits to the site at 50 Crow Road, Glasgow G11.7.

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 Interested Parties and the PPC 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 G11.6 and G11.7;
- 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.

### **The Applicant's Case**

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

Mr Tait advised the PPC that the application before them was in fact a relocation of Boots NHS dispensing contract currently operating from premises situated at 368 Dumbarton Road, Glasgow. The intention was to move the dispensing facility to Boots non-contract premises within the retail park on Crow Road. The Applicants believed this to be a sensible move as it would improve pharmaceutical services to the neighbourhood by providing an improved distribution of services.

He described the neighbourhood to be served by the Crow Road premises as Balshagray Avenue and Crow Road to the West, Gartnavel Hospital to the North, Hyndland Road to the East and the Clydeside Expressway to the South. This neighbourhood encompassed the areas commonly known as Hyndland, Broomhill and Partick, but excluded Dowanhill and Byres Road which the Applicant believed was different in nature, given the higher housing costs, higher student population and differential in both retail and leisure offerings within the areas. The Applicant accepted that while there was little to be seen in terms of a physical boundary to the East, he believed that anyone familiar with both areas would notice distinct differences.

The neighbourhood as defined in the application had a population of more than 25,000 (figures from 2001 census), which the Applicant believed to be increasing as regeneration took place within the area.

The Applicant asked the PPC to look at the application not only on the grounds of necessity or desirability to secure pharmaceutical services in the neighbourhood where the premises were sited, but also to bear in mind that the application sought not to increase the contract numbers in the neighbourhood but merely to transfer a contract for the purposes of improving pharmaceutical services in the neighbourhood.

Boots the Chemist Ltd aimed to move a contract within the neighbourhood by approximately 400 yards to an improved modern site where they believed they could offer the type of differential facilities being suggested by the new pharmacy contract. These included a consultation area and a quiet area for use by all members of the public seeking methadone or emergency contraception.

With this suggested move Boots would improve access to pharmacy services in the area in several ways: improved access over time with late night opening on Thursdays and open seven days per week; improved access to disabled patients to the proposed consultation areas and dedicated disabled parking and improved access to all sections of the community with available restricted parking. The granting of this application would, the Applicant suggested, substantially improve the distribution, quality and range of pharmaceutical provision within the neighbourhood.

The Applicant confirmed that they would not alter or change the essential nature of the neighbourhood as implied by Lewis Pharmacy in their written representation as services were currently provided from four pharmacies within a few hundred yards of each other and offered more or less the same provision. He suggested that "High Street" pharmacy of that nature would still be available from the remaining three pharmacies, one of which was situated directly next door to the Applicant's current site; however the new site would allow the Applicant to offer enhanced pharmaceutical services by being able to offer alternative pharmaceutical service provision in the neighbourhood with improved distribution.

The Applicant reminded the PPC that the current Pharmacy Regulations did not apportion a definition to the term "adequate" within the statutory test of whether an application was necessary or desirable to secure adequate provision of pharmaceutical services in a neighbourhood. This was, he suggested, because the notion of adequacy changed with time, patient expectation and pharmacy practice. He suggested that the PPC had a responsibility, both as members of the public and professionals, to apply what they believed was the necessary standard of pharmaceutical provision current to the time and setting of the application. He suggested that these standards did not relate to "Model Hours" set decades ago when the expectation was that pharmacy would close the trade half day mid-week and half day Saturday, and there were no considerations for disabled access under the Disability Discrimination Act. He suggested that times had changed, along with pharmaceutical service provision and he believed that if the standards of pharmaceutical

provision expected by today's general public, were applied then the PPC would grant the application as being both necessary and desirable to secure pharmaceutical service provision in the neighbourhood.

The Applicant also highlighted the word "secure" within the statutory test. He suggested it brought a different obligation to the PPC, not just to consider what is acceptable now but also to consider what would be considered acceptable in the foreseeable future. The Applicant urged the PPC to reflect on the public expectation of pharmaceutical service provision and how that was projected into the immediate future with the implementation of the new pharmacy contract in Scotland in April 2006, which he reminded members was only five months away. He suggested that, in particular, the members should consider the standards acceptable to the public under the Minor Ailment Scheme, which will be the first part of the new contract to be implemented.

The Applicant reiterated that there was no doubt in his mind that the application was good for the people of the neighbourhood, in that it sought to provide that population with a differential pharmaceutical service provision, rather than more of the same. Further that this differential was now a standard of pharmaceutical service provision expected by the general public. It was for this reason the Applicant believed the PPC should accept the application as being both necessary and desirable to secure pharmaceutical service provision in the neighbourhood within which the application was sited.

### **The Interested Parties Question the Applicant**

On questioning by Mr Robin Hogarth, the Applicant confirmed that his suggested neighbourhood was: to the west, Balshagray Avenue/Crow Road, to the south, the Clydeside Expressway, to the east, Hyndland Street and to the north, the boundary line of Gartnavel Hospital. He also confirmed that if the application were granted, Boots the Chemist would continue to provide methadone services from the new premises. This was because there would be an opportunity to develop a private consultation area.

On questioning from Ms Alyson Irving, the Applicant confirmed that he did not generally consider the existing services in the area to be adequate. He pointed to the improvements that could be made to issues such as privacy and access. In response to Ms Irving's question on whether he was referring to Boots own pharmacy on Dumbarton Road, the Applicant confirmed that he was also talking about other pharmacies in the area.

In response to further questioning from Ms Irving the Applicant confirmed that Boots would not necessarily provide services not already provided by the existing pharmaceutical network, but would rather seek to enhance services and perhaps the new location would allow Boots to increase capacity.

The Applicant responded to Ms Irving's question regarding privacy within the Boots premises on Dumbarton Road by agreeing that the current fold away screens were rapidly becoming inadequate and that in the new premises accommodation which was currently being used as an office facility would be developed for this purpose as part of the overall pharmacy refit that would take place if the application were granted.

On further questioning from Ms Irving the Applicant confirmed that he did not know what size the Dumbarton Road premises were, but were reasonable compared to others. He confirmed that Boots had taken the decision not to refurbish the Dumbarton Street premises as they believed that a transfer of the contract to their Crow Road premises would be more beneficial for the neighbourhood population. He also confirmed that the last refit to the Dumbarton Road premises was carried out approximately three/four years ago and that the decision not to develop a consultation area at this time was taken on issues of viability.

The Applicant confirmed that the premises on Dumbarton Road had automatic doors designed for disabled customers, and that the move to Crow Road would offer disabled parking. In response to Ms Irving's assertion that street parking was available on Dumbarton Road, the Applicant agreed that while this was the case, parking remained problematic due to the volume of traffic.

In response to questioning from Mrs Lewis, the Applicant confirmed the proposed hours of service from the Crow Road premises and advised that Boots could have opted for longer hours and would be willing to reconsider the opening hours of the facility at a later date.

#### **The PPC Question the Applicant**

On questioning from Mr Fraser, the Applicant confirmed that the on-street parking on Dumbarton Road was restrictive to customers, there was also a time-limit and most people using the retail facilities parked off street.

In response to questioning from Professor Johnson the Applicant confirmed that the proposed opening hours represented only one hour more during the week than those offered by the other pharmacies in the area. The Applicant reiterated however that the value was to be found in the Sunday opening and reminded the PPC that the proposed hours constituted the absolute minimum that would be provided by the new facility. Boots were willing to review the level of opening once the facility had been established.

In response to questioning from Mr MacIntyre, the Application confirmed that he believed that customers who currently used Boots facility in Dumbarton Road would travel to the new facility on Crow Road. The Applicant suggested that customers did not always base their choice of where to access pharmaceutical services on convenience. Often other factors were taking into consideration. He was confident that those

customers who made their choice on the basis of services offered etc would travel. For those customers whose choice was made on the basis of convenience there would still be a choice of three pharmacies in the vicinity of Dumbarton Road to choose from. The Applicant also confirmed that the views of the existing customers had been canvassed and they appeared to be happy with the proposed move as they would have access to improved facilities.

In response to further questioning from Mr MacIntyre, the Applicant confirmed that the Boots facility on Crow Road received approximately 20-30 requested per week for prescription dispensing.

In response to questioning from Mr Dykes, the Applicant confirmed that it was his belief that any customer wishing to access pharmaceutical advice would travel to the new facility. Those who wished only to access services on the basis of convenience would use Andrew Hand Pharmacy, Buchanan & Campbell or Lewis Pharmacy. He was confident that Boots' customer base would remain the same, but accepted that the retail facility would attract clientele from further afield.

In response to further questioning from Mr Dykes, the Applicant confirmed that Boots would keep their facility on Dumbarton Road open, although not as a facility that would dispense prescriptions.

In response to questioning from Mrs Cox, the Applicant confirmed that the currently facility on Dumbarton Road offered methadone services to 10 patients. The layout of the premises did not easily lend itself to the provision of this service, hence the low numbers. He confirmed that the privacy issues would be addressed in the new facility by establishing separate areas for consultation. Boots had already established this precedent at their new facility at the Glasgow Fort Retail Park, and he was confident that the layout could be adapted for the Crow Road premises.

The Applicant also confirmed that the proposed hours contained in the application reflected the current hours of opening for the Crow Road premises.

In response to questioning from David Thomson, the Applicant confirmed that at present there was one pharmacist currently operating from the Dumbarton Road facility. The intention was to operate the same or perhaps increased level from Crow Road. He also confirmed that at present the pharmacist at Crow Road was directing any requests for dispensing to the Dumbarton Road facility.

#### **The Interested Parties' Case – Mr Andrew Hand (Andrew Hand Pharmacy)**

Mr Hand thanked the PPC for allowing Andrew Hand Pharmacy to be represented, and stated that the pharmacies in Whiteinch and Partick were already providing a more than adequate service to the population.

He described the services currently being provided from the pharmacy situated at 510 Dumbarton Road, which was run by Mrs Helen Hand. Mr Hand advised the PPC that there had been a pharmacy on this site for more than 100 years, and that the Hand's had been the current owners for nearly 20 years. Mr Hand suggested that this pharmacy would be the most likely to be affected by Boots' proposed move to Crow Road.

He reminded the PPC that this was not the first application considered for premises in this retail facility and pointed to the difference in decisions taken by the PPC and the National Appeals Panel, on these occasions. He suggested that the PPC had based their previous decisions on misinformation provided by the Applicants and that by virtue of the oral hearing process adopted by the National Appeals Panel; the interested parties had had the opportunity of clarifying these pieces of misinformation, hence the reason why the National Appeals Panel had come to a different conclusion.

Mr Hand said he generally agreed with the definition of neighbourhood proposed by the Applicant, although he felt that the north boundary was a little too generous. He preferred to support the neighbourhood proposed by the National Appeals Panel in 2001. He disagreed with the Applicant's assertion that Boots were moving "just around the corner" and suggested that they were in fact moving from one end of an area (east Partick) to the another (West Partick).

In addressing the Applicant's assertion that the proposed move would improve services, Mr Hand suggested that there was no need to improve what was already a more than adequate service. He took issue with this assertion and pointed to the Board's Pharmaceutical List which showed that Boots the Chemist's premises at Dumbarton Road appeared to provide only a minority of the schemes/services advocated by the Board. He pointed to the services currently provided by his pharmacy at 510 Dumbarton Road, and informed the PPC that Mrs Hand had volunteered to take part in nearly every service e.g. needle exchange, supplementary prescribing etc. He did not agree that Boots would offer this level of service from their new facility. He advised the PPC that the work undertaken by the smaller pharmacies was worthwhile. He evidenced this by illustrating the development within his own pharmacy where he and Mrs Hand had employed an additional full time pharmacist which allowed Mrs Hand to not only reduce waiting times for patients, but also to free up her time to spend time with patients. He also told the PPC of Mrs Hand's success in recruiting 97 elderly patients to one of the Health Board's Schemes. Mrs Hand had provided a one to one interaction with the patients. He suggested that this had been the key to the success of the project and advised the PPC that the local GPs were so pleased with the outcome that they had asked Mrs Hand to continue. Mr Hand suggested that this showed how well thought of Mrs Hand was by the GPs in the Apsley Street surgery. He claimed that if the application were granted, Boots would move closer to this surgery and accordingly core services provided by the current pharmacies would suffer. In the past this custom had been described as "leapfrogging".

He described Partick as a traditional shopping facility, not a clone town. Current and previous residents of the area liked to use the shops along Dumbarton Road. There had been no change to shopping patterns in the area for some years. He suggested that the Crow Road facility, while being described as a retail park, was in fact only a parade of shops representing nine traders in all; hardly a Braehead type facility. He conceded that people used the car parking facilities offered by the facility but suggested that they were then more likely to use the retail facilities on Dumbarton Road.

Mr Hand advised the PPC that his fear was that if granted; the smaller pharmacies in the area would suffer to an extent where their viability could be threatened. He was not confident that Boots would undertake what he described as the “less glamorous” services from their Crow Road facilities, and urged the PPC not to put these services at risk by granting the application.

Mr Hand challenged the Applicant’s population statistics and suggested that this was where the PPC had been given false information in the past. He pointed to the on-going refurbishment of the residential facilities in Partick and the reduction from three flats per landing to two. He had obtained population statistics from Glasgow City Council which described the population of Ward No 15, which comprised Broomhill – Byres Road of 7,570 people. These statistics were according to the 2003 census. He claimed that this population had been declining steadily for the last 20 years and was currently 50% less than the 1991 level. Glasgow City Council cited the current population as approximately 7,000 people, which included every man, woman and child in the area. He advised the PPC that these statistics were in the public domain and were not as a result of guesswork. He suggested that all the pharmacies in the area could find additional capacity to provide services to this population, if required.

In terms of disabled access he applauded Boots for installing automatic doors etc at their facility, however he suggested that in order to make use of these enhancements, patients would need to travel to get to the pharmacy in the first place. He pointed to Dumbarton Road and the proposals to make this a bus corridor, to the on-street parking available and that access to the retail park facility was “a nightmare” for pedestrians.

In conclusion, he urged the PPC to play safe with the existing level of provision in the area and suggested “if it aint broke don’t fix it.”

### **The Applicant Questions Mr Hand**

In response to questioning from the Applicant, Mr Hand confirmed that he had made no suggestion that the Applicant had provided misinformation to the PPC in the course of this presentation.

### **The PPC Questions Mr Hand**

In response to a question from Mr MacIntyre, Mr Hand confirmed that in terms of the opening hours proposed by Boots, these differed to his own only in terms of the Sunday opening.

In response to questioning from Mr Dykes, Mr Hand confirmed that he felt his customers would remain loyal even if the application were granted.

In response to questioning from Mr Thomson, Mr Hand suggested that the development currently underway at Glasgow Harbour would not affect the pharmacies in the Partick area. Anyone looking at plans for the development would recognise that they had their own ideas on self-containment given the level of leisure and retail facilities being planned.

### **The Interested Parties Question Mr Hand**

In response to questioning from Ms Irving, Mr Hand suggested that patients who currently required dispensing services on a Sunday would go to Great Western Road, Safeway in Anniesland or Moss Chemists on Byres Road.

### **Ms Alyson 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 PPC that she disagreed with the Applicant's definition of the neighbourhood, and alternatively asked the PPC to accept the definition agreed by the National Appeals Panel in 2001.

She advised the hearing that the critical test under Regulation 5(10) of the Regulations related to adequacy. Ms Irving quoted from the dicta of Lord Drummond Young with reference to Regulation 5 (10) that "the decision maker must approach an application in two stages. First it must consider whether the existing provision of pharmaceuticals services in the relevant neighbourhood is adequate. Ms Irving also suggested that the PPC should give consideration to services in adjoining neighbourhoods. If it decides that such provision is adequate, that is the end of the matter and the application must fail". 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 even if there was no Boots facility on Dumbarton Road the level of service provided by the remaining pharmacies would still be adequate. Shoppers using the retail facility on Crow Road need to travel to Andrew Hand Pharmacy at the moment which is only a short distance away, or Alliance Pharmacy at Norby Road which was easily accessible by car within a few minutes, and

which provided 40 parking spaces, along with discreet disabled parking. In terms of future adequacy of service provision, Ms Irving advised the PPC that Alliance Pharmacy was continually reviewing their services to ensure full compliance with Health Board requirements. The Alliance Pharmacy branch at Norby Road had recently been refitted with an enlarged dispensary which Ms Irving claimed was evidence of Alliance's commitment to professional service development.

In conclusion, Ms Irving urged the PPC to consider the requirement for existing contractors to invest in their pharmacy in order to meet the requirements of the new pharmacy contract, and how this potential could be affected if the current application were granted. She suggested that investments in developments such as new computer systems etc could be difficult to justify for these contractors, which would result in service provision being hindered, not enhanced.

#### **The Applicant Questions Ms Irving**

In response to a question from the Applicant, Ms Irving confirmed that the concept of giving consideration to services provided in adjoining neighbourhoods was not part of the direct quote from the Lord Drummond Young case. She also confirmed that Lord Drummond Young's dicta did not mention adjoining neighbourhoods.

#### **The PPC Questions Ms Irving**

In response to Professor Johnson's question of why quality of service should win over quantity of service, Ms Irving explained that current provision was good in the defined neighbourhood and that access was part of that. She suggested that the Applicant's proposal to open to 8.00pm on one night did not in fact constitute an increase to opening hours. The Boots facility opened until 8.00pm every night when it was first established. The previous application had proposed 8.00pm closing on two nights, and the current application only one night. This was therefore in her opinion, not an added service.

In response to a question from Mr MacIntyre, Ms Irving clarified the point made regarding consideration of services in adjoining neighbourhoods. She claimed that previous decisions (not necessarily taken by the Glasgow PPC) had shown that outside need had to be taken into consideration when looking at applications as it was accepted that people moved outwith and beyond their own neighbourhoods.

#### **Mr Robin Hogarth – (J A Hogarth (Chemists) Ltd)**

Mr Hogarth thanked the PPC for giving him the opportunity to make representations.

He suggested to the PPC that the application should be considered in terms of a new contract as it was his assertion that patients looked at Boots facility and Buchanan & Campbell's facility on Dumbarton Road as

one entity.

He disagreed with the Applicant's definition of neighbourhood and advised that he would propose the same neighbourhood as that agreed by the National Appeals Panel in 2001.

He also advised the PPC that he believed the situation within the neighbourhood had not changed since the National Appeals Panel had deemed the existing services to be adequate in 2001.

Mr Hogarth asked to make comments on some of the points raised by the Applicant:

In terms of disabled access, he did not agree with the Applicant's assertion that there was insufficient space within the Dumbarton Road premises to adequately provide this. He contended that these premises were larger than most in the area; however a significant element of the premises was dedicated to the sale of non-prescription, non-medicine items such as toiletries. He suggested that moving these items to the Crow Road facility would free up space to make enhancements.

In terms of extended opening hours he contended that there was sufficient provision in the general area from Safeway in Anniesland, Munro Chemists on Great Western Road and Alderman Road.

He asserted that in his opinion the application should not be granted as he felt that a neighbourhood was best served by services provided close to the patient's home or alternatively the GP surgery. He felt that unless it could be shown that patients were suffering under the current level of provision, there was no need for the application to be granted.

#### **The Applicant Questions Mr Hogarth**

In response to a question from the Applicant, Mr Hogarth clarified that he was not suggesting that patients could not tell the difference between Boots and Buchanan & Campbell, but rather that because of their close proximity there was relatively little distinction made between them. He agreed that every pharmacy had their own clientele but contended that this was less to do with the name, and more to do with the personality of the staff, services provided etc.

There were no questions to Mr Hogarth from the other Interested Parties.

#### **The PPC Questions Mr Hogarth**

In response to a question from Professor Johnson, Mr Hogarth suggested that two pharmacies needed to be separated by at least a block, or the requirement to cross a street, to be considered separate.

In response to a question from Mrs Cox, Mr Hogarth said he believed his clientele was drawn from the top of Crow Road, the tenement houses of

Broomhill and Jordanhill. He considered he served GP surgeries in Broomhill Drive, Apsley Street, and Scotstoun.

**Mrs S Lewis – (Lewis Pharmacy)**

Mrs Lewis advised the PPC that she believed the current service to be adequate. The GPs near her pharmacy had asked her to occasionally open from 8.00 to accommodate specific needs of several methadone patients. She has does this and much more. She reminded the PPC that Boots would not provide a delivery service and suggested that this was a valuable service to provide given that it saved the GP a second consultation.

There were no questions to Mrs Lewis from the PPC, the Applicant or other Interested Parties.

**The Interested Parties Sum Up**

Mrs Lewis reiterated that if the application were granted, Boots would water down the current service.

Mr Hogarth asked the PPC to consider the adequacy of the current service and suggested that Boots were providing only Model Hours.

Mr Hand asked the PPC to recognise that the existing contractors were providing a good service and were working together in relative harmony. Approving the application would upset this balance.

Ms Irving urged the PPC to reject the application.

**The Applicant Sums Up**

Mr Tait pointed to the decision of Lord Drummond Young and asked the PPC to consider whether the existing services were adequate. In his opinion they were less than adequate, in terms of access; how patients got into and out of premises, patients with disabilities found it difficult to access and Boots sought to redress this inadequacy. He reiterated that Boots did not want to impinge on services such as those provided by Mrs Hand, but rather to provide a differential service that would be to the benefit of the population.

**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 PPC considered that the neighbourhood should be defined as follows:

North: Beaconsfield Road and Winton Drive extending to the River Kelvin;  
West: Hyndland Road and Great Western Road.  
South: Highburgh Road  
East: The River Kelvin, Cluston Street and Queen Margaret Drive and Byres Road.

The PPC noted that this was the neighbourhood proposed by the National Appeals Panel when it considered a similar application in 2001.

**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 PPC considered that the current provision of services within the area was not adequate given the expectation of the community and the requirements of the profession. The PPC then turned their attention to whether the granting of the application was necessary or desirable, and agreed that the transfer of the contract, while not necessary, was desirable to secure an improvement in the distribution of services in the neighbourhood which they believed would restore adequacy for all elements of the community. They pointed to the improved access offered by the new facility, both for disabled patients and for the more able bodied members of the general public. They agreed that while Dumbarton Road offered on-street parking, the volume of traffic made this problematic and the provision of on-site parking at the Applicant's Crow Road premises would address this. The PPC recognised the good work being undertaken by other pharmacies in the area; however they believed that the current access to these services rendered them inadequate.

**In accordance with the statutory procedure the Chemist Contractor members of the Committee Alasdair MacIntyre and Gordon Dykes were excluded from the decision process:**

***DECIDED/-***

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was 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 unanimous decision of the PPC that the application be granted.

**Only Alasdair MacIntyre rejoined the meeting at this stage as**

**Contractor  
Services  
Supervisor**

**Gordon Dykes had declared an interest in the next application. He was therefore excluded from the meeting.**

- ii) **Case No: PPC/INCL011/2005**  
**Mr Mohammed Rashid, 641 Hawthorn Street, Glasgow G22.6**

The Committee was asked to consider an application submitted by Mr Mohammed Rashid, to provide general pharmaceutical services from premises which are situated at 641 Hawthorn Street, Glasgow G22.6 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 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 641 Hawthorn Street, Glasgow G22.6.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the Applicant's premises namely:  
  
Springburn Dispensary – Springburn Health Centre, 200

Springburn Way, Glasgow G21.1;  
Lloyds Pharmacy - 42-44 Huntingdon Square, Glasgow G21.1;  
and  
Bannerman's Healthcare Pharmacy – 220-222 Saracen Street,  
Glasgow G22.5, ;

- 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 G21.1 and G22.6;
- f) Patterns of public transport;
- g) Greater Glasgow NHS Board plans for future development of services;
- h) Land Services and Development & Regeneration plans for future development of services from Glasgow City Council; and
- j) Tabled papers provided by the Applicant in response to the written representations received in relation to the application.

## **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 641 Hawthorn Street, Glasgow G22.6. 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).

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Board) at page 43 of the papers. The Committee agreed the neighbourhood as follows: east – Railway Line, across Chestnut Street to Carrisdale Street and Springburn Road, south along Springburn Road to its junction with Keppochill Road, west along Keppochill Road to Craighall Road leading onto Saracen Street and Balmore Road, to its meeting with the railway line to the north. The Committee agreed that this was a neighbourhood for all purposes, and

included all elements that would normally be associated with a neighbourhood e.g. schools, leisure facilities etc.

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.

- i) Within the neighbourhood, as defined by the Committee there were four pharmacies;
- 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 identified neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate;
- iv) The Committee noted that much of the Applicant's justification for the granting of a new contract lay in the level of asylum seekers within the area. While the Committee agreed that in this area there was a higher than average concentration of asylum seekers, they did not necessarily feel that this justified the granting of a new contract. They considered that the existing pharmaceutical network possessed the skills and professionalism to provide an adequate service to all elements of the population.
- 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 641 Hawthorn 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 member 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

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Supervisor**

the proposed premises and accordingly that the application seeking inclusion in the Greater Glasgow NHS Board's Pharmaceutical List at 641 Hawthorn Street, Glasgow G22.6 for the provision of general pharmaceutical services be refused.

**Only Gordon Dykes rejoined the meeting at this stage as Alasdair MacIntyre had declared an interest in the next application. He was therefore excluded from the meeting.**

iii) **Case No: PPC/INCL13/2005  
Mr Tariq Butt, Unit 12, 151 Western Road, Cambuslang,  
Glasgow G72.8**

The Committee was asked to consider an application submitted by Invercoast Ltd, to provide general pharmaceutical services from premises which were situated at Unit 12, 151 Western Road, Cambuslang, Glasgow G72.8 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 Mr Butt, 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 Unit 12, 151 Western Road, Cambuslang, Glasgow G72.8.

The Committee considered views and representations received from

- a) Chemist contractors within the vicinity of the Applicant's premises namely:
- Alliance Pharmacy – 25 Main Street, Cambuslang, Glasgow G72.7;  
Boots the Chemist – response received via Lanarkshire NHS Board;  
Burns Pharmacy – 10 Braemar Road, Cathkin, Glasgow G73.5;  
and  
Dukes Road Pharmacy – 196 Dukes Road, Glasgow G73.5.
- b) the Greater Glasgow Area Pharmaceutical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Medical Committee (GP Sub-Committee).
- d) the Area Pharmaceutical Committee – Lanarkshire NHS Board.

The Committee also considered:-

- e) The location of the nearest existing pharmaceutical services;
- f) Demographic information regarding post code sectors G72.7, G72.8 and G73.5;
- g) Patterns of public transport;
- h) Greater Glasgow NHS Board plans for future development of services; and
- j) Development & Regeneration Services plans for future development of services from Glasgow City Council and South Lanarkshire 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 situated at Unit 12, 151 Western Road, Cambuslang, Glasgow G72.8. 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).

In forming an opinion on the neighbourhood, the Committee referred to the map (provided by the Board) at page 106 of the papers. The Committee agreed the neighbourhood as follows: east – the B759 trunk

Road – Greenlees Road to its meeting with East Kilbride Road, west along East Kilbride Road to Langlea Road. Following Langlea Road to the north where it meets with Stewarton Drive and the railway line along its length to Greenlees Road.

Having reached that conclusion the Committee was 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 noted that within the neighbourhood as defined by the Committee there were no pharmacies. The Committee however did not agree that this in itself was justification to approve the application. It was agreed that the residents within the defined area would require travelling outwith the area for most of their daily needs e.g. work, GP, church, shops etc. The Committee therefore did not consider that the granting of the application was necessary.

The Committee also considered the potential effect that an additional contract would have on the existing pharmacy network within the broad area. They felt that several of the contractors displayed a relatively low dispensing level, and while they accepted that this was not the sole component of general pharmaceutical services, they nevertheless were concerned over the potential detrimental effect the granting of an additional contract may have on the provision of services. The Committee therefore did not consider the granting of the application to be desirable.

**In accordance with the statutory procedure the Chemist Contractor member of the Committee Gordon Dykes was excluded from the decision process:**

***DECIDED/-***

The Committee agreed by unanimous decision that the granting of the application was neither 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 Unit 12, 151 Western Road, Cambuslang, Glasgow G72.8 for the provision of general pharmaceutical services be refused.

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

**5. MATTERS CONSIDERED BY THE CHAIRMAN SINCE THE LAST MEETING**

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Supervisor**

The Committee having previously been circulated with Paper 2005/22 noted the contents which gave details of an application considered by the Chairman outwith the meeting since Thursday 18<sup>th</sup> August 2005.

**I) Minor Relocation of Existing Pharmaceutical Services**

**i) Case No: PPC/MRELOC05/2005 – Boots the Chemist Ltd, 368 Dumbarton Road, Glasgow G11.6**

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

The Committee noted that the application did not fulfil 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 refused the application, having been satisfied that the application did not fulfil the requirements laid down in the Pharmaceutical Regulations.

***DECIDED/-***

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

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

**Case No: PPC/CO2/2005 – J Stewart (Chemists) Ltd – 350b Duke Street, Glasgow G31.1**

**Case No: PPC/CO3/2005 – Carntyne Pharmacy, 137 Abbeyhill Street, Glasgow G32.6**

**Case No: PPC/CO4/2005 – Duke Street Pharmacy, 567 Duke Street,, Glasgow G31.1**

The Committee considered the action taken by the Chairman on applications for the transfer of NHS Dispensing contracts held by the above contractors. The pharmacies are now owned by Alliance Pharmacy.

The Committee noted that the Chairman had granted the applications with effect from 8 August 2005, having been satisfied that the applications fulfilled the requirements laid down in the Pharmaceutical Regulations.

***DECIDED/-***

**That the Chairman's action in granting 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. SUSPENSION OF CONTRACT**

**Case No: PPC/SUS03/2005 – Lloyds Pharmacy, 1851 Paisley Road West, Glasgow G52.3**

The Committee was asked to consider an application submitted by Lloyds Pharmacy seeking a temporary suspension of their NHS dispensing contract for a period of 1 day to allow a refit to the shop front to be carried out. The proposed closure would be effective from 9.00pm on Friday 4<sup>th</sup> November 2005 and re-open at 9.00am on Sunday 6<sup>th</sup> November 2005.

The Committee noted that the Applicant had made alternative arrangements with other local contractors to ensure that their methadone patients did not experience any disruption to their treatment. They also planned to display posters in the premises, alerting the general public to the closure. The Committee further noted that the proposed date of closure had slipped one and was dependent upon influences over which the Applicant had no control.

***DECIDED/-***

**The Committee agreed to the suspension of contract in principle, and agreed that any additional change to the effective date be accommodated.**

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Supervisor**

**7. NATIONAL APPEALS PANEL DETERMINATIONS**

The Committee having previously been circulated with Paper 2005/24 noted the contents which gave details of the National Appeal Panel's determination of appeals lodged against the Committee's decision in the following cases;

**Colin and Ann Fergusson – 194 (not confirmed) Petershill Road, Glasgow G21**

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

**Olayinka Ogunnoiki – 10 Yokermill Road, Glasgow G13.4**

The Committee noted that the National Appeals Panel had rejected the appeal submitted against the PPC's decision to refuse Ms Ogunnoiki's

application.

**8. 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 noted the additional information provided by the Applicant, and considered that the proposed hours of service remained below that required by the current Model Hours of Service Scheme. The Committee concluded that the Model Hours of Service constituted the absolute minimum level of service which would be expected by the general public, and refused the application on these grounds.

***DECIDED/-***

**That the application is refused and the Applicant urged to provide hours in line with the current Model Hours of Service Scheme.**

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**9. PROVISION OF PHARMAEUTICAL SERVICES OVER THE FESTIVE SEASON – 2005/2006**

The Committee having previously been circulated with Paper 2005/26, considered the current position regarding the provision of pharmaceutical services over the Festive Period 2005-2006.

The Committee learned that approximately 35 contractors had yet to return their pro-forma indicating their proposed level of service over this time. These contractors were being encouraged to provide the information so that the Board could publish up to date information in its publicity material for this year.

The Committee noted that five contractors had made application to close their pharmacies early on Christmas Eve and New Years Eve. The Committee agreed that these applications should be granted as early closure would not cause undue difficulties for patients on these days.

The Committee further noted that Copland Chemist, 102 Stonelaw Road, Glasgow G73 had applied to close their pharmacy on these days. The

Committee did not agree that this application should be approved on the grounds that patients would still expect the provision of services on these two days. The hours proposed by the contractor was less than those required under the current Model Hours of Service Scheme, and the Committee did not consider that it was appropriate to grant the application.

***DECIDED/-***

- i) **That the applications from contractors to close early on Saturday 24<sup>th</sup> December and Saturday 31<sup>st</sup> December be approved; and**
- ii) **That the application from Copland Chemists to close completely on Saturday 24<sup>th</sup> December and Saturday 31<sup>st</sup> December be refused.**

**9. ANY OTHER COMPETENT BUSINESS**

There was no other competent business.

**10. DATE OF NEXT MEETING**

Scheduled for Tuesday 6<sup>th</sup> December 2005 at 1.30pm. Venue to be confirmed.

The Meeting ended at 3.50p.m.