

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (15)

Minutes of a Meeting held on

Tuesday 16th October 2007

Board Room, Royal Alexandria Hospital, Corsebar Road
Paisley, PA2 9PN

PRESENT:	Andrew Robertson	Chair
	Mrs C McDonald	Deputy Lay Member
	Prof J McKie	Deputy Lay Member
	Mrs Kay Roberts	Deputy Non Contractor Pharmacist Member
	Alasdair MacIntyre	Contractor Pharmacist Member
	Scott McCammon	Deputy Contractor Pharmacist Member
IN ATTENDANCE	Dale Cochran	GPS Contract Assistant
	Richard Duke	Contracts Manager – Community Pharmacy Development
	Janine Glen	Contracts Manager – Community Pharmacy Development
	David Thomson	Deputy Lead – Community Pharmacy Development

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.

ACTION

No declarations of interest were made.

1. APOLOGIES

There were no apologies

2. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

There were no matters to discuss not already included in Agenda.

3. MINUTES

The Minutes of the meeting held on Tuesday 18th September 2007
PPC[M]2207/13 was approved as a correct record.

Section 1 – Applications Under Regulation 5 (10)

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

i) **Case No: PPC/INCL16/2007**
Lloydspharmacy Ltd – New Medical Centre, Lonend, Paisley, PA1 1SA

The Committee was asked to consider an application submitted by Lloydspharmacy Ltd, to provide general pharmaceutical services from premises to be situated at the New Medical Centre, Lonend, Paisley PA1 1SA under Regulation 5(10) of the National Health Service (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 Committee, having previously been circulated with all the papers regarding the application from Lloydspharmacy Ltd, agreed 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 (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 James McKeever ("the Applicant"). The interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing were Mr Kenneth Campbell, (F A Parkinson Chemists Ltd), Mr Ian Smyth (Parkinson (Paisley) Ltd), Mr Brian Devanney (Barshaw Pharmacy) and Mr Asgher Mohammed (Abbey Chemists) assisted by Ms Claire Bennie ("the Interested Parties").

Prior to the hearing, the Panel had collectively visited the vicinity surrounding Lonend, Paisley PA1.1, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider area around Barrhead Road and Neilston Road

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. Each of the Interested Parties in turn made their submission following which the Applicant and PPC were given the opportunity to ask

questions. The Interested Parties and the Applicant were then given the opportunity to sum up.

The Applicant's Case

Mr McKeever commenced his presentation by thanking the Committee for giving him the opportunity to present the case on behalf of Lloydspharmacy. He assumed the Committee had undertaken a tour of the area and hoped that they had appreciated the size and scale of the Primary Care Centre within which the proposed premises were situated.

He advised that Lloydspharmacy Ltd believed that the neighbourhood should be defined as:

West – Causeyside Street and Neilston Road travelling south;
South – Rowan Street and Huntly Terrace;
East – Barrhead Road to Hawkhead Road;
North – the White Cart Water back to the A761 trunk road.

The neighbourhood identified contained five pharmacies, of which only one (Abbey Chemist) sat within close proximity to the proposed premises. The other four were located at the south western boundary line and were not within easy access for part of the defined neighbourhood. Mr McKeever suggested that the neighbourhood was difficult to define but asserted that Lloydspharmacy Ltd had not simply orchestrated a neighbourhood which excluded a large number of pharmacies. Rather they had used what Lloydspharmacy believed were the major roads and rivers that defined the boundaries of the neighbourhood. There was a large resident population within the neighbourhood and the recent flat building and redevelopment of the area to the south of the new Primary Care Development along with the Mecca Bingo had added to the population.

Mr McKeever advised that Lloydspharmacy Ltd was not seeking to deny the existence of the pharmacy in close proximity to the new development; however in the Applicant's opinion this pharmacy was not adequate to meet the needs of patients and residents of the neighbourhood given the changes that were taking place. The New Medical Centre would house a GP practice with 7 GPs and a list size in excess of 10,000 patients. Mr McKeever advised that the Committee would be aware of previous guidance from the courts which had suggested that known likely developments must be taken into consideration when determining the legal test associated with applications for new pharmacies. Mr McKeever asserted that the new medical development was taking place and therefore was not speculative or unrealistic. He advised that it would be unrealistic for patients to come out of the Medical Centre and access Abbey Chemists. The public perception was that Abbey Chemist was associated with the other health centre in the area.

Mr McKeever advised that the area in Lloydspharmacy's opinion could be termed a deprived area. Car ownership levels were extremely low. 53% of the defined neighbourhood did not own a car compared with a Scottish average of 34%. 38% of the identified neighbourhood owned one car which it could be reasonably assumed would be used by those within the households to travel to and from their place of work. Accordingly, there would be large proportion of the neighbourhood who would not have access to a car during the day and would have to travel around the area by foot.

The 2001 Census placed 13% of the neighbourhood population as not having good health against a Scottish national average of 10%. These statistics reinforced the view that there were considerable demands placed on Abbey Chemists. Given the low car ownership, and the higher than average levels of ill health, many people would not be able to make the journey to the next nearest pharmacies which were situated on Neilston Road and were not accessible by foot, given the distance and nature of the journey involved. A patient would have to travel along busy A roads and through an underpass as there was no way through due to the railway line.

Abbey Chemist stated in their objection that they had been providing services to the Incle Street Practice from their Gauze Street premises, however when the practice relocated to the new Medical Centre, it would be unrealistic to expect the patients to continue to make the journey to the Gauze Street premises. Mr McKeever suggested that the Incle Street practice was not served by the Abbey Chemists premises at Lonend as it was too far away. Mr McKeever suggested that if the Committee considered the volume of NHS items dispensed by Abbey Chemists at Lonend that originated from the Incle Street practice, they may take a view how this would change after the practice's relocation. Lloydspharmacy accepted that the Incle Street Practice was only a relocation; it would nevertheless be a relocation into a different neighbourhood and would be a significant new input. It would be unrealistic to expect a single pharmacy to cope with such a significant proportion of the dispensing. Mr McKeever suggested that the dispensing figures for Abbey Chemist's Lonend premises would not be inconsiderable and bearing in mind the requirements of the new pharmacy contract including e-MAS, consultations, emergency hormonal contraception one pharmacy was not adequate in this situation.

Mr McKeever suggested that the other pharmacies such as Boots, Alliance and the Abbey Chemists premises at Gauze Street were all situated inside the Ring Road. Patients would realistically rely on collection and delivery services which did not equate to the full provision of pharmaceutical services. To avoid an inadequate pharmaceutical service from the increased volume Lloydspharmacy would provide a modern 130sq metre retail unit with a care room, DDA compliant, with

separate methadone/needle exchange area (if required), ample parking overflowing into the Mecca car park and a large dispensary. The proposed pharmacy would open from 9.00am – 6.00pm Monday – Friday; 9.00am – 5.00pm Saturday to provide a fast, effective pharmaceutical service and allow the nearest pharmacy, Abbey to serve the Abbey Medical Practice and deliver the new contract elements to their patients.

For patient convenience and ready access to pharmaceutical services there was a major shift in GP provision into this neighbourhood that would change the nature of health services to the area. With forward thinking of the future of pharmacy in the neighbourhood Lloydspharmacy believed it was necessary and desirable to secure adequate pharmacy services that the contract was granted.

The Interested Parties' Question and Applicant

In response to questioning from Mr Campbell, the Applicant advised that at present Abbey Chemists branch at Lonend did not currently serve the GP practice at Inle Street. This situation would change greatly when the practice moved to the new Primary Care Development and patients requiring acute prescriptions exited the practice. This would place an increased demand on Abbey Chemists.

In response to questioning from Mr Mohammed, Mr McKeever agreed that there were five pharmacies currently within the Applicant's neighbourhood. He suggested that the Applicant's argument centred on the change that would be affected by the relocation of the GP practice into the area. The access requirements would be different.

In response to further questioning from Mr Mohammed, Mr McKeever advised that the physical size of the Abbey Chemist branch at Lonend was not necessarily a factor in the Applicant's assertion that the current services in the area were inadequate. The view of inadequacy stemmed from the major shift in provision of GP services that would occur in the area with the relocation of the GP surgery into the new medical centre. In Mr McKeever's opinion, Abbey Chemists at Lonend would be unable to cope with this shift.

In response to further questioning from Mr Mohammed, Mr McKeever suggested that the Applicant viewed that pharmaceutical demand within the neighbourhood would change and that patients should not be expected to walk the 50metres from the new development to Abbey Chemists at Lonend.

In response to questioning from Mr Smyth, Mr McKeever advised that patients from the Inle Street practice would continue to use whichever pharmacy they wished. Whereas many would continue to patronise Abbey Chemists at Gauze Street, patient loyalty was known to fade over

time.

There were no questions to the Applicant from Mr Devanney.

The PPC Question the Applicant

In response to questioning from Mr McCammon and Professor McKie, Mr McKeever confirmed that the patient list size for the Inle Street Surgery was in excess of 10,000. He did not have any evidence that the increase in demand from the new development would not be met by the existing contractors in the area. He did not believe that putting a notice in the surgery would address the requirements given the increased volume that was expected.

In response to further questioning from Professor McKie, Mr McKeever confirmed that the Applicant had identified the north boundary using natural boundaries such as major roads.

In response to questioning from Mrs Roberts, Mr McKeever agreed that the list size of 10,000 represented those who were registered with the practice and not the number of those who would be attending the practice. He asserted that the increase in demand would come from the acute prescriptions produced from the new practice. He did not agree that this demand could be met through a collection and delivery service as this was not part of the new contract, nor did it represent a full pharmaceutical service. Patients would continue to require acute dispensing which would produce an increased demand for pharmaceutical services.

In response to further questioning from Mrs Roberts, Mr McKeever advised that the Applicant's argument was that patients would prefer to access services on site.

In response to questioning from the Chair, Mr McKeever advised that the developer, Sapphire Primary Care Developments had initiated the plan for a pharmacy within the new development. He further confirmed that Lloydspharmacy had chosen not to produce letters of support from the local GPs.

In response to questioning from Mr Thomson, Mr McKeever advised that he was not aware how the patients at the Inle Street Practice had reacted to the news of the relocation.

In response to further questioning from Mr Thomson, Mr McKeever advised that he was aware that the proposed CMS (Chronic Medication Service) element of the new contract may mean that patients would have less need to actually visit their GP given the development of electronic links between pharmacies and GP practices. He confirmed that he was not aware what contingencies the developer had put in place in the event

that the application was not granted.

In response to questioning from Mr MacIntyre, Mr McKeever confirmed that at present Lloydspharmacy did not intend to provide any additional services to those already provided by the other pharmacies. He reiterated his assertion that the new contract would cope with the increased number of prescriptions and allow Abbey Chemists to offer all elements of the new contract to their own patients. He also confirmed that he felt the application to be both necessary and desirable.

In response to final questioning from Mr MacIntyre, Mr McKeever asserted that there would be other services within the new development including podiatry, physiotherapy and practice nursing.

There were no questions to the Applicant from Mrs McDonald.

The Interested Parties' Case – Mr Kenneth Campbell (F A Parkinson Chemists Ltd)

Mr Campbell advised the Committee that Paisley was currently well served by pharmacies. Within a 1km radius there were ten pharmacies, 13 in town and additional areas. Most if not all of the pharmacies collected prescriptions from the surgeries throughout the town and served residents in their immediate area as well as providing delivery to those who had difficulty with access. This situation would continue to be the case after the new Medical Centre was operational.

Most of the existing pharmacies had upgraded to enable the provision of extended services. Part of the rationale behind the new pharmacy contract was the reduction in GP visits through easier access to defined services. As the majority of patients attending the new Medical Centre were unlikely to live in the immediate vicinity there would be no gain in these patients having to attend Lonend to access the Applicant's proposed pharmacy. Patients leaving the Medical Centre would have immediate access to pharmaceutical services within 50 metres from a pharmacy that was accessed from the outside of the existing Medical Centre and was clearly sign posted.

The town was well provided for in terms of pharmaceutical services and Mr Campbell concluded that the application was neither necessary nor desirable to secure services and therefore should be rejected.

There were no questions to Mr Campbell from the Applicant or any of the other interested parties.

The PPC Question Mr Campbell

In response to questioning from Mrs Roberts, Mr Campbell confirmed that his company had not been asked by Sapphire Primary Care

Developments to submit a tender for the proposed pharmacy within the new Medical Centre.

There were no questions to Mr Campbell from Mr McCammon, Professor McKie, Mr Thomson, Mr MacIntyre or the Chair.

The Interested Parties' Case – Mr Brian Devanney (Barshaw Pharmacy)

Mr Devanney advised the Committee that he did not believe the application to be either necessary or desirable. There would be no major change in the population. There were currently five existing pharmacies in the neighbourhood, one of which was only 100 yards from the new development. There were 13 pharmacies within the area of Paisley. Patients had excellent access to pharmacies who provided the full range of services and who had embraced all elements of the new pharmacy contract. Pharmacies provided collection and delivery for patients. The provision of general pharmaceutical services was more than adequate and therefore the application was not necessary or desirable.

The Applicant Questions Mr Devanney

In response to questioning from the Applicant, Mr Devanney confirmed that he had not walked from the new development to any of the existing pharmacies in the neighbourhood. He further confirmed that the patients who accessed the existing pharmacies from the north and east of the area were registered with the Ince Street practice and would travel to the practice to uplift their prescription and have it dispensed either from Abbey Chemists at Gauze Street or from a pharmacy nearer their home. In his opinion, the same patient, after the relocation of the practice would travel back to another pharmacy such as Alliance.

There were no questions to Mr Devanney from any of the other interested parties.

The Committee Question Mr Devanney

In response to questioning from Mr McCammon, Mr Devanney advised that he did not feel that his pharmacy would dispense fewer prescriptions from the Ince Street Surgery once it moved to the new development.

In response to questioning from Mrs Roberts, Mr Devanney confirmed that he was aware that Lloydspharmacy and Sapphire Primary Care Developments were related.

There were no questions to Mr Devanney from Mrs McDonald,

Professor McKie, Mr Thomson, Mr Macintyre or the Chair.

The Interested Parties' Case – Mr Asgher Mohammed (Abbey Chemists)

Mr Mohammed advised the Committee that he did not believe the application was necessary or desirable. He asserted that the neighbourhood should be larger than that identified by the Applicant. There were currently five pharmacies in the area. Abbey Chemists had provided services to Lonend for nearly 20 years. The premises had been extended to nearly three times its original size. It was not true to suggest the pharmacy could not cope with any increase in demand that would emanate from the new medical centre. Patients attending the surgery would continue to visit the pharmacy they had visited when the surgery was situated in Incle Street. Abbey Chemists in Gauze Street dispensed a significant number of prescriptions from the Incle Street practice. This patient base may be lost with the relocation of the surgery. These patients could be served by the Abbey Chemists in Lonend. The Lonend pharmacy was having new signage fitted and patients would know its location. The pharmacy was approximately three minutes away from the new medical centre. There was no rational argument for a new pharmacy in the area.

Mr Mohammed reiterated that Abbey Chemists in Gauze Street would be quieter after the relocation of the surgery, while the Lonend branch would gain clientele. Abbey Chemists intended to provide a leaflet for patients giving them information on services. The application should be rejected.

The Applicant Questions Mr Mohammed

In response to questioning from the Applicant, Mr Mohammed advised that only a small number of prescriptions from Incle Street Surgery were dispensed from Abbey Chemists at Lonend.

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

The Committee Question Mr Mohammed

In response to questioning from Mr McCammon, Mr Mohammed confirmed that the pharmacy at Lonend employed one full time pharmacist with a back-up for support. There was always a ½ day overlap. This was the current situation which would be reviewed if required.

In response to further questioning from Mr McCammon, Mr Mohammed confirmed that he did not provide services to any care homes.

In response to further questioning from Mr McCammon, Mr Mohammed advised that the granting of a further contract at the new medical centre would have a material effect on the pharmacy at Lonend. Abbey Chemists in Gauze Street dispensed a significant number of prescriptions from the Ince Street Surgery and a new contract would have an adverse effect on services.

In response to questioning from Professor McKie, Mr Mohammed confirmed that he was aware that some of the patients currently using the Gauze Street pharmacy would continue to do so after the relocation of the GP surgery. He further confirmed that around 50% of patients visiting Abbey Chemists in Lonend were drawn from the area south of Lonend. They visited the pharmacy by a mixture of means; on foot, by car.

In response to further questioning from Professor McKie, Mr Mohammed advised that the number of staff working in his pharmacy would be relative to the demand for services. If the new medical centre caused an increase in demand for services, the staffing level would be reviewed and adjustments made accordingly. Mr Mohammed confirmed that currently it was difficult to recruit quality staff, however he was encouraged that 70% of staff who had been previously employed by Abbey Chemists had indicated that they would want to return to the company.

In response to questioning from Mr Thomson, Mr Mohammed advised that he had reviewed the provision of services on a Saturday at Lonend and was providing services on a three month trial basis. The pharmacy had not previously opened on a Saturday because of the GP surgery opening hours and the fact that the Gauze Street pharmacy was open. There had been little demand for services.

In response to questioning from Mr Macintyre, Mr Mohammed advised that he was aware that there would be ancillary services with the new development.

There were no questions to Mr Mohammed from Mrs McDonald, Mrs Roberts, or the Chair.

The Interested Parties' Case – Mr Ian Smyth (Parkinson (Paisley) Ltd)

Mr Smyth advised the Committee that Paisley was well served with pharmaceutical services and that the geographical distribution of pharmacies was adequate. Patients travelling to the new surgery would need to cross two roads to get there as they would be resident in other area e.g. Gordon Street. Patients were well served by the existing pharmaceutical network.

There were no questions to Mr Smyth from the Applicant or any of the other Interested Parties.

The Committee Question Mr Smyth

In response to questioning from Mr McCammon, Mr Smyth confirmed that the number of prescriptions dispensed from his pharmacy from the Ince Street surgery could possibly decrease.

In response to questioning from Mrs Roberts, Mr Smyth confirmed that he was not aware of the tendering process around the new development, nor was his company asked to submit a tender.

In response to questioning from Mr MacIntyre, Mr Smyth confirmed that it was difficult to define a neighbourhood because of the moves happening in the area. The current pharmacies drew patients from all areas of Paisley. He advised that his neighbourhood would be Ince Street, Glasgow Road, Hawkhead Road, Lochfield Road, Neilston Road, the A761 past Paisley Abbey.

There were no questions to Mr Smyth from Mrs McDonald, Professor McKie, Mr Thomson or the Chair.

The Interested Parties Sum Up

Mr Campbell advised the Committee that he disagreed with the neighbourhood defined by the Applicant. The centre of Paisley was served by a number of pharmacies and well provided for in terms of general pharmaceutical services. The application was neither necessary nor desirable to secure adequate services.

Mr Devaney advised that he did not believe the application to be either necessary or desirable. There was no major change within the area. The patients were adequately served by the current network.

Mr Mohammed advised the Committee that there was no need or desirability for an additional contract. When patients moved Abbey Chemists at Lonend would be able to answer the demand for services. The pharmacy had been extended and was upgrading its signage. The pharmacy was doing everything to maintain business and serve patients and was geared up to provide services to the new development.

Mr Smyth advised that the current services in the neighbourhood were adequate.

The Applicant Sums Up

Mr McKeever believed that demand for pharmaceutical services would change. At present the provision was good and the area was well served. This would not be the case in November when the demand for services would change. Mr McKeever questioned Abbey's ability to cope with the increase in demand for services that would result from the relocation of the GP practice into the new medical centre.

In terms of the tendering process, Mr McKeever advised that any of the existing pharmacies in the area could have made themselves aware of the process, but that the question for the Committee was not around the fairness of the tendering process, but rather the inadequacy of pharmaceutical services in the defined neighbourhood.

Before the Applicant and the Interested Parties left the hearing, the Chair asked them to confirm that they had had a full and fair hearing. All confirmed that they had.

The PPC was required and did take into account all relevant factors concerning the issue of:-

- a) Neighbourhood;
- b) Adequacy of existing pharmaceutical services in the neighbourhood and, in particular, whether the provision of pharmaceutical services at the premises named in the application 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 all 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 the Paisley area;
- f) NHS Greater Glasgow and Clyde plans for future development of services; and

- g) Additional information provided by Mr Mohammed in the form of a letter and photographs detailing improvements to be made to Abbey Chemists, Lonend. The Chair had asked all those present if they objected to the submission of the additional information. No-one raised any objections.

DECISION

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 the various neighbourhoods put forward by the Applicant, the Interested Parties and the GP Sub-Committee. Taking all information into consideration, the Committee considered that the neighbourhood should be defined as follows:

North: Gordon Street;
West: Causeyside Street and Neilston Road
East: White Cart Water;
South: Lochfield Road to Barrhead Road/ Hawkhead Road

The Committee felt that this was a distinct neighbourhood. The White Care Water to the east formed a physical boundary. The area within these boundaries was, in the Committee's opinion a neighbourhood for all purposes. It contained schools, business, churches and residential areas.

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 there were five existing pharmacies. These pharmacies provided the full range of pharmaceutical services including supervised methadone and domiciliary oxygen. The Committee considered that the level of existing services ensured that satisfactory access to pharmaceutical services existed within the defined neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate.

The Committee considered the Applicant's comments around the perceived significant shift in demand that would be caused by the

relocation of the Inle Street surgery to the new Medical Centre. While the Committee accepted that some movement would take place, they were mindful that the patients would continue to reside where they always had. Those patients who required acute prescriptions would either continue to attend their normal pharmacy or would look to access services elsewhere. While the Committee accepted that the nearest pharmacy to the new Medical Centre may experience an increase in activity it had shown that it was taking steps to accommodate such an eventuality including increasing the size of the premises and improving the signage. The Committee agreed that even if there was a perceived increase in need for pharmaceutical services on the site of the new Medical Centre, the whole focus of the e-MAS element of the new contract was that services should be provided closer to the patient's home.

The Committee was confident that until the impact of the increase in provision was known, it was not possible to say that the current provision was inadequate.

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 currently adequately served.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers were excluded from the decision process:

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was not necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

The Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers rejoined the meeting at this stage.

- ii) **Case No: PPC/INCL12/2007
Mr A Manzoor & Ms Amina Al-Adhami, 5/7 Kennedy Path,
Townhead, Glasgow G4 0PP**

**Contractor
Services
Supervisor**

The Committee was asked to consider an application submitted Mr A Manzoor and Ms Amina Al-Adhami, to provide general pharmaceutical services from premises situated at 5/7 Kennedy Path, Townhead, Glasgow G4.0 under Regulation 5(10) 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 Committee, having previously been circulated with all the papers regarding the application from Mr Manzoor and Ms Al-Adhami, agreed that the application could be considered based on the written representations received, and that an oral hearing was not required.

Prior to the meeting, the Panel had visited the vicinity surrounding 5/7 Kennedy Path, Glasgow G4.0, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider areas of the city centre, Dennistoun and Alexandra Parade.

The PPC was required and did take into account all relevant factors concerning the issue of:-

- a) Neighbourhood;
- b) Adequacy of existing pharmaceutical services in the neighbourhood and, in particular, whether the provision of pharmaceutical services at the premises named in the application 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 all 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 G1.2, G4.0 and G31.2;
- f) Patterns of public transport; and
- g) NHS Greater Glasgow and Clyde plans for future development of services.

DECISION

The Committee noted that this application had previously been presented in August 2007. The Committee had deferred consideration of the application on the grounds that a previous application had been approved for premises in the same parade of shops, and was awaiting decision by the National Appeals Panel (NAP). The NAP, at a hearing on 25th September 2007 had determined that the application was not necessary or desirable as the provision of services to the neighbourhood was adequate.

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

The Committee noted the neighbourhood previously defined, and that defined by the National Appeals Panel. The Committee noted that the NAPs neighbourhood differed from its own only along the southern boundary. The PPC agreed that this southern boundary was logical. Taking all information into consideration, the Committee considered that the neighbourhood should be defined as follows:

North: the M8 motorway.
West: North Hanover Street.
East: Castle Street and High Street.
South: George Street.

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.

The Committee noted that they had not been informed of any changes to the area in the meantime that would cause them to depart from the recent decision arrived at by the NAP, nor had the Applicant provided evidence that the situation in the neighbourhood had changed to the

extent that the Committee would overturn this most recent decision.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers were excluded from the decision process:

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was not necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

The Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers rejoined the meeting at this stage.

iii)

Case No: PPC/INCL06/2007

Ms Farzana Rasool & Mr Aziz Rasool, 111 Cambridge Street, Glasgow G3.6

The Committee was asked to consider an application submitted by Ms Farzana Rasool and Mr Aziz Rasool, to provide general pharmaceutical services from premises situated at 111 Cambridge Street, Glasgow G3.6 under Regulation 5(10) of the National Health Service (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 Committee, having previously been circulated with all the papers regarding the application from Ms & Mr Rasool, agreed that the application could be considered based on the written representations received, and that an oral hearing was not required.

Prior to the meeting, the Panel had visited the vicinity surrounding 111 Cambridge Street, Glasgow G3.6, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider area.

The PPC was required and did take into account all relevant factors concerning the issues of:-

a) Neighbourhood;

**Contractor
Services
Supervisor**

- 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 all 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 G1.2, G2.3 and G3.6;
- f) Patterns of public transport; and
- g) NHS Greater Glasgow and Clyde plans for future development of services.

DECISION

The Committee noted that they had previously considered this application in April 2007. They had granted the application. Subsequent to the Committee's decision it had been identified that one of the existing contractors within the consultation area had not received notification of the application. Having taken advice from numerous sources it had been agreed that the consultation would be repeated.

The Committee noted that the papers under consideration were identical to those previously presented to the Committee in April, except that they now included a representation from the contractor who had not received notification of the application in the initial consultation.

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

The Committee noted the neighbourhood previously defined, and agreed that this remained relevant. Taking all information into consideration, the Committee considered that the neighbourhood should be defined as follows:

North – the M8 motorway and New City Road
South – Newton Street, North Hanover Street and Bath Street
East – North Hanover Street to Dobbies Loan
West – M8 motorway

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

The Committee noted the decision that they had arrived at in April 2007 when they initially considered the application. Having considered the submission made by the interested party who had provided comments after the initial consultation, the Committee agreed that there had been no material changes which would cause them to come to a different conclusion. As such they agreed that their previous conclusion remained relevant.

A transcript of the previous decision is below:

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 there were three existing pharmacies. Mr Thomson advised the Committee that the Health Board had in the past received concerns around the unscheduled closure of Boots branch at Charing Cross (494 Sauchiehall Street). On investigation it had become apparent that a business decision had been taken to transfer staff to the larger Boots branch at 200 Sauchiehall Street due to staff shortages. This had occurred on more than one occasion. Mr Thomson also had concerns over the branch's apparent failure to fully engage in the provision of additional services. He did not feel the branch provided a consistent service.

Having undertaken the site visit, the Committee agreed that those resident in the Garnethill area would be less likely to travel to facilities in Charing Cross due to the steep gradients and availability of other amenities within the area of Renfrew Street.

The Committee recognised that the Applicant had challenged the existing provision as inadequate to meet the needs of the entire

population. The Committee were mindful that within the neighbourhood there were two clear elements of population; a higher than average commuter population and an entrenched resident population. In the Committee's opinion the current network was organised more to serve the commuter population which was drawn to the significant shopping facilities around the city centre and the existing pharmacies in the area. This focus on one part of the population was to the detriment of the residents within the area. The Committee agreed that the area was unusual in that it provided an example on the emphasis of commuter and consumer needs, rather than the needs of the resident population. The Committee asserted that the resident element of the population did not enjoy access to adequate pharmaceutical services.

Having come to this conclusion, the Committee agreed that an additional contract in the area was desirable to secure the adequate provision of pharmaceutical services for the entire population within the defined neighbourhood.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers 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 services in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be granted.

The Chemist Contractor Members of the Committee Scott McCammon and Alasdair MacIntyre and Board Officers rejoined the meeting at this stage.

5. APPLICATIONS STILL TO BE CONSIDERED

The Committee having previously been circulated with Paper 2007/49 noted the contents which gave details of applications received by the Board and which had still to be considered. The Committee agreed the following applications should be considered by means of an oral hearing:

Mr Ian Robert Mouat, Unit 2, Blairdardie Road, Knightswood, Glasgow G15.6.

6. NATIONAL APPEALS PANEL DETERMINATION

**Contractor
Services
Supervisor**

The Committee having previously been circulated with paper 2007/50 noted the contents which gave details of the National Appeals Panel's determination of appeals lodged against the Committee's decision in the following cases:

Lisa Christie, LG Pharmacy Ltd – Unit 2, 19 Kennedy Path, Townhead, Glasgow G4.0

The Committee noted that the National Appeals Panel had upheld the Appeals submitted against the PPC's decision to grant Ms Christie's application to establish a pharmacy at the above address. As such LG Pharmacy Ltd's name was not included in the Board's Provisional Pharmaceutical List, and the file on the application had been closed.

7. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

6. DATE OF NEXT MEETING

Scheduled for Monday 22nd October 2007 at 12.30pm. Board Room, Royal Alexandria Hospital.

The Meeting ended at 4.00p.m.