

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (05)

Minutes of a Meeting held on

Friday 17th November 2006

Board Room , Glasgow Homeopathic Hospital, Great Western Road,
Glasgow, G12

PRESENT:	Andrew Robertson	Chairman
	Mrs Patricia Cox	Lay Member
	Alan Fraser	Lay Member
	William Reid	Lay Member
	Prof James Johnson	Non Contractor Pharmacist Member
	Gordon Dykes	Contractor Pharmacist Member
	Alasdair Macintyre	Contractor Pharmacist Member
IN ATTENDANCE	Trish Cawley	Contractor Services Supervisor
	Robert Gillespie	Joint Lead Pharmacist – Community Pharmacy Development
	Janine Glen	Contractor Services Manager

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

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

1. APOLOGIES

Apologies were received on behalf of Richard Duke and David Thomson.

2. MINUTES

The Minutes of the meeting held on Tuesday 8th August 2006 **PPC[M]2006/04** were approved as a correct record.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

NAP Letter to Health Board

The Committee, having previously received written notification of the

National Appeals Panel's (NAP) correspondence with NHS Greater Glasgow & Clyde, learned from the Chairman the outcome of his meeting with the Chair and Vice Chair of the NAP.

Mr Robertson gave the Committee an overview of the NAP concerns. He explained that there had been a satisfactory outcome to the his meeting with agreement being reached that the Pharmacy Practice Committee would conduct oral hearings for all and any applications where the Committee had not considered previous applications for the area and where the arguments around the application had not been heard previously.

He reassured the Committee that the NAP had some level of sympathy with the situation in Glasgow where the volume of new applications received made the conducting of oral hearings for every application unreasonable. The NAP were however keen that oral hearings be conducted where at all possible.

After comprehensive discussion around the proposed new arrangements for new pharmacy applications, the Committee agreed that while the current regulations were in place they would conduct oral hearings as a matter of course unless the application had been considered previously or where there had been no change in circumstances since a previous application was considered.

The Chairman advised the Committee that the implications of this decision would require an increased commitment from members to address the volume of applications that were being received. With the Committee's agreement, the Chairman undertook to include in his letter to Sir John Arbuthnott (Chair – NHS Greater Glasgow & Clyde), a request for the membership of the Committee to be extended to minimise the burden on existing members.

Janine and Trish undertook to develop a protocol for oral hearings that could be made available to applicants and interested parties. This protocol would include requests for written information in advance of the hearing, and an encouragement for those speaking to the application, to limit their presentation to between 5 and 10 minutes.

Chair

**Contractor
Services
Manager**

Applications Considered – 8th August 2006

Janine advised the Group that appeals had been lodged in relation to the following applications, considered by the Committee in August:

- i) L Rowland & Co (Retail) Ltd – 275 Carntyne Road,, Glasgow G32.6;
- ii) Houlihan Pharmacy Ltd – 911 Darnley Mains Road, Glasgow G53.7; and
- iii) Mr Jim Rae – 56A Crosslee Crescent, Houston PA6.7.

Section 1 – Applications Under Regulation 5 (10)

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

Case No: PPC/INCL16/2006 - Boots the Chemist, 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 Applicants' proposed premises were located.

The Chairman, Lay Members and Joint Lead Pharmacist - Community Pharmacy Development 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 Joint Lead Pharmacist - Community Pharmacy Development had agreed that it was not necessary to consider the application by oral hearing as previous applications had been considered in June 2000, June 2001 and October 2005.

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 the written representations.

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

The Committee considered views and representations received from

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

Andrew Hand Pharmacy – 1239/43 Dumbarton Road, Glasgow G14.9 and 510 Dumbarton Road, Glasgow G11.6
J A Hogarth (Chemists) Ltd, 308 Crow Road, Glasgow G11.7
Kelvin Pharmacy, 151 Hyndland Road, Glasgow G12.9

- b) the Greater Glasgow & Clyde Area Pharmaceutical Committee (General Practitioner Sub-Committee);

The Committee also considered:-

- c) The location of the nearest existing pharmaceutical services;
- d) Demographic information regarding post code sectors G11.6 and G11.7;
- e) Patterns of public transport; and
- f) Greater Glasgow & Clyde NHS Board plans for future development of services;

CONCLUSION

The Committee noted that the Applicant had applied for inclusion in the Board's Pharmaceutical List for the provision of pharmaceutical services from premises situated at 50 Crow Road, Glasgow G11.7. The premises were already constructed, and were in the possession of the Applicant. The Committee further noted that the Applicant wished to relocate to these premises from their initial premises situated at 368 Dumbarton Road, Glasgow G11.6.

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

The Committee noted that the National Appeals Panel had considered a similar application in February 2006 (this being the application considered by the Committee in October 2005). On that occasion, the NAP did not agree that the application was necessary or desirable and so refused the application.

The Committee noted the neighbourhood defined by the NAP and agreed that there had been no significant changes to the area that would cause them to define the neighbourhood differently. Accordingly, the Committee agreed the neighbourhood as being Broomhill Drive to the west, Turnberry Road to the north, Hyndland Street to the east and Dumbarton Road to the south.

Having reached that conclusion the Committee were then required to consider the adequacy of existing pharmaceutical services in that neighbourhood, and whether the granting of the application was

necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

The Committee could find no evidence from either the Applicant's statement in support, or from the comments made by the various consultees, to show that there had been any significant changes to the area that would cause them to come to a different conclusion from that reached by the NAP in February 2006.

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 50 Crow Road, Glasgow G11.7 was not necessary or desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were situated.

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

DECIDED/-

The Committee agreed by unanimous decision that the granting of the application was not necessary or desirable, in order to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises and accordingly that the application seeking inclusion in NHS Greater Glasgow & Clyde's Pharmaceutical List at 50 Crow Road, Glasgow G11.7 for the provision of general pharmaceutical services be refused.

**Contractor
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Supervisor**

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

5. AMENDMENT TO MODEL HOURS OF SERVICE

- i) **Case No: PPC/ALT03/2006 – M Farren Ltd (Pharmacies), 133 Main Street, Glasgow G66.7.**

The Committee were asked to consider an application submitted by M Farren Ltd (Pharmacies), seeking an alteration to the hours of service recorded in the Pharmaceutical List for the pharmacy situated at 133 Main Street, Lennoxton, Glasgow G66.7

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.

While the Committee recognised that the applicant had apparently been providing their current hours of service for a considerable period of time, it nonetheless agreed that these were outwith the hours required by the Model Hours of Service scheme. The Committee were aware that all contractors who were currently deemed to be providing services outwith the current Model Hours Scheme had been contacted and asked to submit their plans to bring their hours of service in line with the Scheme. Of the ten that had been contacted, seven had immediately amended their hours in accordance with the Scheme. Taking this into consideration, the Committee concluded that they could not approve this application given the effort put in by other contractors to adhere to the scheme. The applicant should be requested to reduce the lunch time closing in line with the Model Hours of Service Scheme.

DECIDED/-

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

**Contractor
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Supervisor**

ii) Case No: PPC/ALT04/2006 – Stepps Pharmacy, 140 Cumbernauld Road, Glasgow G33.6.

The Committee were asked to consider an application submitted by Stepps Pharmacy, seeking an alteration to the hours of service recorded in the Pharmaceutical List for the pharmacy situated at 140 Cumbernauld Road, Glasgow G33.6.

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.

While the Committee recognised that the applicant had apparently been providing their current hours of service for a considerable period of time, it nonetheless agreed that these were outwith the hours required by the Model Hours of Service scheme. The Committee were aware that all contractors who were currently deemed to be providing services outwith the current Model Hours Scheme had been contacted and asked to submit their plans to bring their hours of service in line with the Scheme. Of the ten that had been contacted, seven had immediately amended their hours in accordance with the Scheme. Taking this into consideration, the Committee concluded that they could not approve this application given the effort put in by other contractors to adhere to the scheme. The applicant should be requested to reduce the lunch time closing in line with the Model Hours of Service Scheme.

The Committee noted the applicant's comments around the perceived restriction on hours of service and responded that the Model Hours of Service scheme served to ensure the provision of services over core hours. Contractors were free to provide hours of service over and above this in response to local demand. In considering comments made by the applicant, the Committee would welcome any indication that he would extend his closing hours to meet the apparent demand within his area.

DECIDED/-

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

**Contractor
Services
Supervisor**

iii) **Case No: PPC/ALT05/2006 – Boots the Chemist, Block 6 Fort Retail Park, Auchinlea Road, Glasgow G33.5**

The Committee were asked to consider an application submitted by Boots the Chemist, seeking an alteration to the hours of service recorded in the Pharmaceutical List for the pharmacy situated at Block 6 Fort Retail Park, Auchinlea Road, Glasgow G33.5.

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 applicant's comments around this request, and while having a degree of sympathy around the reasons given, reiterated that the proposed opening time was outwith the hours required by the Model Hours of Service scheme. The Committee welcomed the contractor's provision of extended hours, however agreed that the granting of the request was not desirable when the Model Hours of Service Scheme provided core hours giving patients confidence that pharmacy services were provided by all contractors within this framework. The Committee concluded that they could not approve this application given the effort put in by other contractors to adhere to the scheme. The applicant should be requested to commence the provision of services in line with the Model Hours of Service Scheme.

DECIDED/-

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

**Contractor
Services
Supervisor**

6. **MATTERS CONSIDERED BY THE CHAIRMAN**

Minor Relation of Existing Pharmaceutical Services

i) **Case No: PPC/MRELOC04/2006 – Boots the Chemist, 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, 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.

ii) **Case No: PPC/MRELOC06/2006 – Lloydspharmacy, 1421 Maryhill Road, Glasgow G20.9**

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

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

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

iii) **Case No: PPC/MRELOC07/2006 – Apple Pharmacy, 1056 Argyle Street, Glasgow G3.8**

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

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

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

DECIDED/-

That the Chairman's action in approving the above applications in accordance with Regulation 5(3) of the National Health Service

(General Pharmaceutical Services) (Scotland) Regulations 1995 as amended be homologated.

Transfer of NHS Dispensing Contract Where a Change of Ownership has Taken Place

Case No: PPC/CO01/2006 – R B Macrae Ltd, 66 St Vincent Terrace, Glasgow G3.8

The Board received an application from L G Pharmacy Ltd for inclusion in the Board's Pharmaceutical List at the pharmacy previously listed as R B Macrae Ltd, at the address given above with effect from 26th October 2006. The trading name of the pharmacy will be L G Pharmacy.

The Committee was advised that the level of service was not reduced by the new contractor and that the new contractor was suitably registered with the Royal Pharmaceutical Society of Great Britain.

Given the above, the Chairman agreed that the criteria required by the Regulations were fulfilled, and accordingly approved the application.

DECIDED/-

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

**Contractor
Services
Supervisor**

7. NATIONAL APPEALS PANEL DETERMINATIONS

The Committee having previously been circulated with Paper 2006/34 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.

Mr N Ahmad – 10 Newdyke Road, Glasgow G66.2

The Committee noted that the National Appeals Panel had rejected the appeal submitted against the PPC's decision to grant Mr N Ahmad's application to establish a pharmacy at the above address. As such Mr Ahmad's name had been included in the Board's Provisional Pharmaceutical List, and general pharmaceutical services would commence later this year.

NOTED/-

8. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

9. DATE OF NEXT MEETING

Scheduled for Wednesday 22nd November 2006 at 11.30am, Meeting Room, Queens Park House Langside Road, Glasgow G42. Members should meet at 9.30am for site visit.

The Meeting ended at 3.00pm