

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (07)

Minutes of a Meeting held on
Wednesday 6th December 2006

Meeting Room 2, Modular Unit, Gartnavel Royal Hospital, 1055 Great Western Road,
Glasgow, G12

PRESENT:

Andrew Robertson	Chairman
Alan Fraser	Lay Member
Prof W J McKie	Deputy Lay Member
Mrs Kay Roberts	Non Contractor Pharmacist Member
Gordon Dykes	Contractor Pharmacist Member
Alasdair Macintyre	Contractor Services Manager

IN ATTENDANCE

Trish Cawley	Contractor Services Supervisor
Robert Gillespie	Joint Lead – 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 a person who had a personal interest in the applications to be considered by the Committee.

No declarations of interest were made.

1. APOLOGIES

There were no apologies.

2. MINUTES

The Minutes of the meeting held on Friday 17th November 2006 **PPC[M]2006/05** were approved as a correct record.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

There were no matters arising from the Minutes not already included in the Agenda.

Section 1 – Applications Under Regulation 5 (10)

ACTION

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

- i) Case No: PPC/INCL18/2006
Apple Healthcare Group Ltd – 2b Monreith Avenue,
Glasgow G61.1

The Committee was asked to consider an application submitted by Apple Healthcare Group Ltd, to provide general pharmaceutical services from premises, situated at 2b Monreith Avenue, Glasgow G61.1 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 Joint Lead – Community Pharmacy Development 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 Apple Healthcare Group 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 Harminder Shergill ("the

Applicant”) assisted by Mr Neeraj Salwan. The interested party who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing was Mr David Sinclair (Sinclair Pharmacy) (“the Interested Party”).

Prior to the hearing, the Panel had collectively visited the site at 2b Monreith Avenue, Glasgow G61.1 and the pharmacies and GP surgeries surrounding the applicant’s proposed premises.

The procedure adopted by the PPC at the hearing was that the Chairman asked the Applicant to make his submission. There followed the opportunity for the PPC and the Interested Party to ask questions. The Interested Party then made his submission. After the Interested Party’s submission there followed the opportunity for the PPC and the Applicant to ask questions. The Interested Party 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 Party 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 G15.7, G61.1 and G61.2;
- f) Patterns of public transport;

- g) Greater Glasgow NHS Board plans for future development of services; and
- h) A tabled letter from the Bearsden West Community Council submitted by the applicant, along with a copy of plans for the proposed pharmacy.

The Applicant's Case

Mr Shergill for the Applicant thanked the Committee for the opportunity to attend the oral hearing.

He reminded the Committee that the application for 2b Monreith Avenue was actually dated 9th January 2006 but that due to illnesses, holidays, and general pace of administration, the application was not heard by the PPC until April 2006. The Committee refused the application. The National Appeals Panel considered the appeal at oral hearing in August 2006, but had to defer consideration because one of the contractors had not been told of the application at PPC level. Mr Shergill advised the Committee that over the last year, the company had just about managed to secure the premise, and had now secured the unit, dependent on the application being heard as soon as possible.

The Applicant advised the Committee that since the application was originally discussed and papers circulated by the National Appeal Panel, there had been a change in services offered by local contractors. Because of this, the Applicant had had to amend some of the arguments used previously.

He advised that he would like to clarify the neighbourhood, highlight the importance of a new development in the heart of the neighbourhood and stress the importance of having a pharmacy in the area.

The Applicant suggested the neighbourhood as Westerton and advised that it followed the natural boundaries found on the outskirts of the area. He described the area as: from the North where the railway line crossed Drymen Road, South along Drymen Road, crossing Canniesburn Toll, along Maryhill Road to the River Kelvin. Following the river south to Veterinary Hospital. Crossing Bearsden Road to the railway track, Northwest along the track, crossing Canniesburn Road and travelling north east along to the track to meet Drymen Road again. He suggested that these were the edges to the neighbourhood as they constituted natural or real boundaries already in place e.g. the railway track, major roads and the River Kelvin.

He advised that he had taken guidance from Lord Justice Banks' ruling on the boundary clarification. He said "physical conditions may determine the boundary or boundaries of a neighbourhood, as, for instance, a range of hills, a river, a railway, or a line which separates a

high class residential district from a district of workmen's dwellings."

He advised the Committee that the community of Westerton sat within the much larger district of Bearsden, but that it was important to consider Westerton as a distinct community. This was because Westerton was a self contained village with all other amenities any neighbourhood enjoys; its own school, church, nursery, library, local businesses, community hall, train station, post box, hair-dresser, scout hall and bowling green. He further suggested that the residents of the community of Westerton would have little or no need to travel out-with the village for their every day needs. For these reasons he concluded that Westerton constituted a neighbourhood whatever test was applied. It sat within the walls of natural or real boundaries, and also satisfied Lord Nimmo-Smith's definition of vicinity or nearness.

The Applicant quoted from Ward Profiles 2003, which gave an update for Ward 8 (Westerton). These gave the population of the ward as being 4,616. The Applicant suggested this figure had risen since 1991. The statistics showed the Ward had an over 65 population of 16%, with a quarter of households within the Ward being occupied by pensioners. Around 30% of the population were economically inactive, and not bringing in any income. This, the Applicant suggested created a social divide between Westerton and the rest of Bearsden. 13% of the population had no access to a car. The area had a higher percentage of over 80s than that for East Dunbartonshire. The Applicant further suggested that over the next 15 years East Dunbartonshire was expected to see the highest rate of increase in its older population in all of Scotland, with the over 75 population in Westerton set to rise by 68%. Westerton was a hilly area with many steep inclines, making it difficult for elderly people and those with dependents to access pharmaceutical services.

The Applicant advised that there was a major housing development being built on the old Canniesburn Hospital site, which he advised was in the centre of his defined neighbourhood. The joint building venture was a 227 apartment and housing development which would be fully complete and occupied by early 2007. To date, one block was complete and occupied, two other blocks were half occupied, and five blocks were near completion. The town houses within the development were complete and fully occupied. These houses had been purchased by families, couples and the elderly. According to the Applicant, the developers had noticed an influx of all ages, and accordingly had established a child's play area within the site. They had also noticed a lot of elderly showing particular interest in the properties, suggesting that they were downsizing their existing properties in Bearsden, for various reasons.

The Applicant stated there was a further single developer planning another site which will involve around 12 four and five bed houses. On completion of this site, the estimated population of Westerton would increase by at least 660 people.

The Applicant drew the Committee's attention to the 2004 Judicial Review – Lloyds Pharmacy Ltd v The National Appeals Panel, where the Court had advised that the Panel should have regard to future probable developments. The Review had claimed that the degree of adequacy of pharmaceutical provision in a neighbourhood would change through time, thus the construction of new housing and the change in pharmaceutical practice would require to be considered. The Applicant suggested that the major housing development described earlier in his submission would undoubtedly create a change in pharmaceutical provision in his defined neighbourhood.

The Applicant advised that the developers had confirmed that the shops on Monreith Avenue were the "local shops" for the new development as residents would have direct access using the pathway from the estate. The shops were seen as one of the pillars of the community. A Post-Office used to exist within the parade of shops; however this had been closed by Royal Mail.

Jo Swinson (MP for Westerton) had produced a report on the closing of Westerton Post Office which had highlighted many problems with the alternative Post Office facilities at Bearsden and Spey Road. The Applicant suggested that the problems were not confined to the provision of mail services, but also to health services as well and asked that the findings of Ms Swinson's report be taken into account by the Committee when they were deliberating the application as there were similarities in the community's need for pharmaceutical services. To illustrate this, the Applicant provided the Committee with some background information around the report.

Westerton Post Office was previously situated in the same unit as the Applicant's proposed premises. Other Post Offices were situated at Spey Road, Stonedyke (next to Sinclair Pharmacy) and at Bearsden Cross (round the corner from Lloyds Pharmacy). The locations of the other Post Offices were important in the Applicant drawing parallels with the community's need for pharmaceutical services due to their proximity to other pharmacies in the area.

The Applicant provided several quotes from the MP's report, namely: "The strong reasons for retaining Westerton Post Office relate to the unsuitability of the alternatives. The main alternatives are the Post Offices at Stonedyke and Bearsden. The geography of the area raises big concerns about the accessibility of both these alternatives, with steep hills and busy roads. This would obviously be worse in winter time. The lack of good public transport links is another main factor."

Some of the residents were quoted in the report as saying: "What is suggested means I have to walk up the steep hill and suffering from angina that would be difficult." and "A lot of pensioners like ourselves are not able to travel on buses. We are all very worried at the thought of having to travel to Bearsden Post Office especially in the winter time."

The Report suggested that there were many factors which would make the journey to Bearsden Cross or Spey Road difficult:

No adequate bus service:

-“I’m now in my late 70s and I visualise spending my old age standing at bus stops. What happens when I can no longer get on board the bus.”

-“The bus service number 49 takes the direct route to Bearsden Cross only every 2 hours and is not particularly reliable.”

-“To use the number 40 bus to Spey Road entails climbing a steep hill and making a risky and hazardous crossing of a busy T junction.”

The Applicant advised that since his preparation for the original application, the bus service available to the residents of Westerton had actually deteriorated. No bus now travelled through Maxwell Avenue (the main road going through the village), and there was now no direct bus service to Bearsden Cross or Milngavie Road.

Ms Swinson’s report went further, commenting on:

Traffic and Parking Problems:

-“Inadequate parking facilities at Spey Road and Roman Road”

-“You perhaps have been misinformed regarding the parking situation at the post office in Bearsden but it is almost impossible to park close by.”

Cost and Distance:

-“It will mean a lot of unnecessary travel using up both time and money which I can ill-afford.”

-“No other post office within walking distance.”

-“Devastating especially for OAPs and young mothers. Stonedyke is too far to walk.”

The Applicant reiterated that the findings and quotes were from Ms Swinson’s report on Westerton Post Office and suggested that the findings and quotes would be the same if a report was conducted on access to pharmaceutical services for the neighbourhood of Westerton.

The Applicant advised that the lack of parking facilities at Bearsden Cross had already been highlighted. The opening of a new Marks & Spencer Store with no increase in parking provisions at the Cross had recently placed even more pressure on parking spaces. The Applicant had talked to an owner of one of the business behind Bearsden Cross who had claimed that customers were staying away from the shops because of the traffic problems.

The Applicant advised the Committee that the Westerton Community Council had heard of the company’s intention to open a pharmacy and had consequently invited representatives from Apple Healthcare Group

Ltd to attend their meeting to discuss the proposal. The Council could not understand why a pharmacy had not opened in the community long ago. The Applicant was questioned by the public on the proposed services, which they thought were needed and ideal for their community. This had become clear when the Applicant had briefed those present at the meeting around the new pharmacy contract, public health promotion, minor ailment scheme, chronic medication management etc.

The members of the public present and the panel were of the opinion that there was a need more so than ever before for a pharmacy in Westerton because Apple Healthcare Group Ltd would be able to offer a rounded healthcare service and provide initiatives which would make a real difference to peoples life e.g. diabetes screening, blood pressure monitoring, smoking cessation, medicine management etc. As a result of this presentation, the community Council had written a letter of support for the proposed pharmacy.

The Applicant then went on to advise the Committee of the services that would be provided from the proposed premises. Apart from complying fully with the new pharmacy contract, they would provide all the other services expected. The Applicant advised that at the time of the original application the Drug Addiction Service team had earmarked the area as one with a definite need for a needle exchange service. This was because for a number of years, none of the contractors within the Drumchapel area had been willing to provide this service. The Applicant had hoped to be the one offering the service, as the need had already been identified. He advised that due to timescales around consideration of the application, Sinclair Pharmacy had applied to provide this service around the time the National Appeals Panel considered the first appeal, and were now the only provider of this service in the area.

The Applicant illustrated that in the G61 post-code area (Bearsden) there were 5 contractors with around 110 methadone clients. Only 7 spaces were available. Only three of these contractors provided supervised methadone, namely Sinclair Pharmacy (Spey Road), JHC Suttie (Drymen Road) and Alliance Pharmacy (Baljaffray Shopping Centre). Of these three, JHC Suttie had reached its target of two clients. This meant that 100 clients were being shared between Sinclair Pharmacy at the very bottom of the post-code (bordering on G15) and three miles away by Alliance Pharmacy at the very top of G61 (bordering G62).

The Applicant hoped the Chair agreed with his assertion that Westerton was a distinct community which made up a neighbourhood of its own right. He felt that the granting of a new pharmacy contract was needed as he felt he had highlighted the difficulties that people face in the community in accessing facilities that they require on a day to day basis.

The Applicant finally wanted to mention that he was happy to see that Mr Sinclair (Interested Party) also agreed on the necessity and desirability of Westerton having its' own pharmacy as he had lodged an application for a new contract in February 2006 for the same unit as the Applicant.

As the unit had been in the possession of the Applicant at the time, Mr Sinclair had had to withdraw his application.

The Interested Party Questions the Applicant

On questioning by Mr David Sinclair, the Applicant confirmed that the population of 4616 given in his statement covered the Ward Area of Westerton, which included Spey Road. He further confirmed that Ms Swinson's report did not give any indication of volume of complaints associated with the services. He did say that the owner of the general store had undertaken a public petition; however he was not aware of actual numbers of respondents.

On further questioning by Mr Sinclair, the Applicant confirmed that he did not have the minutes of the Community Council meeting which he addressed. He did however have a copy of the letter of support which the Community Council had provided, and copies were distributed to the Committee and the Interested Party.

In response to Mr Sinclair's question around how the Community Council reacted to the Applicant's suggestion that he would provide supervised methadone services if his application were granted, the Applicant advised that the discussion which took place around this service resulted in the Community Council gaining a clear indication of what was required in the area in terms of this service.

The PPC Question the Applicant

Mrs Kay Roberts did not pose a specific question to the Applicant, but took the opportunity to give him clarification on the history surrounding the provision of needle exchange services in the area. There had been services provided from a pharmacy in Spey Road before the Interested Party assumed ownership. The main reason there had been difficulty in securing provision of services in the G15 area related to the type of drug misuse prevalent in the area at the time. Most of the misuse in G15 related to amphetamines; however this had changed over the years. Sinclair Pharmacy's involvement in the provision of needle exchange services was nothing more than a re-establishment of a service which had previously been provided.

In response to a query from Professor McKie, the Applicant advised that he defined "the village" as being the neighbourhood as defined in his initial submission. He further confirmed that he felt that there was a defined need for pharmaceutical services across the whole of the defined area.

On further questioning from Professor McKie, the Applicant advised that he would expect customers to travel to his proposed premises on foot, primarily via the pathway adjacent to Monreith Avenue. He conceded that there were hills and inclines within the area, but considered these to be passable.

In response to a question from Alasdair MacIntyre, the Applicant confirmed that apart from his own unit, there were two fast food outlets, a bicycle shop and a general grocer within the same parade. On further questioning from Mr MacIntyre the Applicant advised that initially he had thought there to be a need for a full day Sunday opening within the area, but the Applicant's meeting with the Community Council had identified that perhaps a half day Sunday opening would be more appropriate.

The Applicant responded to a question from Gordon Dykes by confirming that Jo Swinson did not refer to Westerton as a village or a neighbourhood in her report, but rather to a distinct community. He further advised that he could not confirm whether the 30% of the population who were deemed as economically inactive were unemployed or drawing pensions. He could only confirm that they did not gain their earnings from work. In response to further questioning from Mr Dykes the Applicant advised that he felt the dramatic increase in the elderly population was due to an influx of elderly people rather than the incumbent population living longer. He further confirmed that the current public transport network in the area was not good; there was a lack of bus services.

In response to a final question from Mr Dykes, the Applicant confirmed that he could not say why there had been no previous application to open a pharmacy in the Westerton area.

In response to questioning from Alan Fraser, the Applicant advised that residents of the new development, while in all probability having access to a car, would not be likely to drive into Bearsden town centre, due to the lack of parking facilities. He further confirmed that within the parade of shops in which his proposed premises were situated, there was an off-license, a hairdresser and a general grocers/newsagents.

In response to a question from Mr Fraser, the Applicant confirmed that his population statistics were derived from the Scottish Health Care Statistics.

At this point the proceedings were halted with the arrival of Mr Gerry Hughes (Representative – Area Pharmaceutical General-Practitioner Sub-Committee). Mr Hughes advised the Chair that he had arrived at Gartnavel Royal reception area at 2.35pm. On arrival he had approached the reception area, where the Receptionist had made contact with someone in the Modular Unit to advise of Mr Hughes arrival. The Receptionist had then directed Mr Hughes to a waiting area on the first floor where he assumed he would be collected and directed to the meeting room. Mr Hughes had remained in the waiting area for approximately 35 minutes before making his way to identify the meeting, as no-one had come to collect him. Mr Hughes advised the Chair that he had arrived late as he had been unsure of the location of the meeting.

The Chair expressed his concern for this situation and explained that the oral hearing had commenced at 2.30pm. He asked Mr Hughes to wait outside the meeting room while he consulted with the Applicant and Interested Party around the appropriate way forward.

The Applicant and Interested Party both confirmed to the Chair that they would not be comfortable having to commence the oral hearing from the beginning. The Applicant confirmed he would rather Mr Hughes be excluded from the hearing as he had missed the start and they would rather not repeat the process.

The Chair then asked the Applicant, Mr Salwan and the Interested Party to wait outside the meeting room, while he discussed the issue with the Committee. After a comprehensive discussion, the Committee concluded that Mr Hughes should be excluded from the proceedings for the following reasons:

- i) Mrs Cawley had confirmed with Reception staff at 2.30pm that there were no other attendees waiting in the reception area;
- ii) The hearing commenced at 2.30 pm and Mr Hughes would not have been admitted after this time.
- iii) Mr Hughes stated that he had arrived at 2.35pm, which was after the oral hearing had commenced;
- iv) The Committee and Secretariat had been unaware of Mr Hughes presence in the Waiting area, due to an error made by Reception staff;
- v) The Applicant and the Interested Party had confirmed their unwillingness to re-commence the oral hearing from the beginning;
- vi) It would be unfair to the Applicant and the Interested Party to interrupt the hearing to allow Mr Hughes admission, when the hearing had been under way for nearly 40 minutes; and
- vii) The Committee was already in receipt of the written representation from the Area Pharmaceutical General Practitioner Sub-Committee.

The Chair asked Mr Hughes to return to the meeting room, and explained the Committee's decision to him. Mr Hughes expressed his displeasure around being kept waiting for so long and the Chair extended his sincere regret over this situation. Mr Hughes expressed displeasure around the notification process for his attendance at the hearing and the Chair advised that he should raise this issue with the Secretary of the Area Pharmaceutical General Practitioner Sub-Committee as all notifications were directed for their attention. Mr Hughes advised that he understood the Committee's decision because he had been late in arriving for the hearing, however he wished his frustration noted around being left waiting unattended for such a significant period of time. The Chair again expressed his regret and undertook to raise this issue with the Office Manager for Gartnavel Royal.

Mr Hughes left the hearing and the meeting recommenced.

In response to a final question from Mr Fraser, the Applicant advised that there was parking facilities around the town hall, however he did not consider there to be sufficient spaces and advised that this could be confirmed by the queues of cars.

The Interested Party's Case – Mr David Sinclair (Sinclair Pharmacy)

Mr Sinclair advised the Committee that he wished to look at a few issues.

Neighbourhood – Mr Sinclair advised the Committee that he did not consider Westerton to be a distinct area. Westerton was part of Bearsden. It relied on Bearsden for its amenities as it was unable to rely on the amenities offered within the immediate area which were not appropriate for say the weekly purchase of groceries.

He advised that if the Committee accepted Apple Healthcare's assertion that there were 4,600 residents within Westerton they would be including those living in Allander Road and Spey Road, which had a higher intensity of housing than around Coalburn Road. Mr Sinclair suggested the population of the area around Westerton was substantially less than that put forward by the Applicant.

He accepted the existence of new development within the area and pointed to the footpath at the rear of the estate, which he claimed, was steeper than the road itself. It was not well lit and he suggested that residents would be concerned over safety issues. While the Applicant stated that residents of the new estate would access his proposed premises via this footpath as a matter of routine, Mr Sinclair felt that they would be more inclined to go into Coalburn Road and take public transport to Bearsden or Spey Road.

Mr Sinclair then addressed Jo Swinson's report and advised the Committee that it had contained no evidence of the amount of complaints received regarding services. He asserted that the arguments put forward for a pharmacy would be different to those around the retention of an established Post Office.

He disagreed with the Applicant's assertion that Sinclair Pharmacy's request to provide needle exchange services had been made as a response to this application. He advised that his application had emanated from the findings of the Addiction Services who had identified a need for these services in the area. Mr Sinclair finalised his statement by advising the Committee that he had submitted an application for the same premises in February of this year. He had taken this step because he felt there was little chance of the Committee granting a further contract in the area as the current network already provided adequate services. The application was merely meant **as a manoeuvre to protect his business interests. Subsequently** Mr Sinclair had had to

withdraw the application as he had not been in possession of the premises, nor could he demonstrate that he was actively in pursuit of the lease of the premises.

The Applicant Questions Mr Sinclair

In response to a question from the Applicant, Mr Sinclair advised that his pharmacy in Spey Road served the Westerton area. Maxwell Road, Stirling Avenue, Coalburn Road into Drumchapel – Tallon Road, Glenkirk Drive following railway track. He further confirmed that most of his customers travelled to the pharmacy on foot.

In response to further questioning from the Applicant, Mr Sinclair confirmed that Sinclair Pharmacy did provide a collection and delivery service, although there were few deliveries made to customers in the Westerton area. Mr Sinclair could not identify why this was the case. He further confirmed that his customers appeared comfortable travelling to his pharmacy on foot and that his population figures came from Ward statistics.

The PPC question Mr Sinclair

In response to a question from Mrs Roberts, Mr Sinclair confirmed that he dispensed fewer prescriptions from customers in the Westerton area than others and this may account for the lack of requests from the area for the collection and delivery service. He felt this may be because there was a lower need for the service in this area as many of the residents would have access to a car and would go access services in other areas.

In response to a further question from Mrs Roberts, Mr Sinclair advised that the residents who did not have access to a car would access services in Spey Road, or would travel to Bearsden Cross to access services. He did not agree that they would find this any more onerous than in other areas.

In response to a question from Professor McKie, Mr Sinclair advised that most of the residents in the area would access services evenly between his own pharmacy in Spey Road, Lloyds Pharmacy at Bearsden Cross and Morrisons at Anniesland Cross.

In response to a question from Alasdair MacIntyre, Mr Sinclair advised that he provided needle exchange, supervised methadone, smoking cessation and head lice services. He also provided dosette boxes and was involved in as many initiatives as possible.

In response to a question from Gordon Dykes, Mr Sinclair advised that he was not aware of an increase in prescriptions from the new development. He was confident that he would recognise such an increase from addresses with which he was unfamiliar. This hadn't happened yet. He further confirmed that the Consultation Room in the pharmacy was not used to its full potential due to level of demand. The

methadone room was used a lot more.

In response to further questioning from Mr Dykes, Mr Sinclair advised that he felt that the increase in the elderly population was due more to the fact that the existing population was living longer, rather than an influx of new residents. Mr Sinclair further confirmed that his pharmacy in Spey Road, served more than one area. The pharmacy was definitely situated in Bearsden and served the south of that area, although more than half of the pharmacy's customers came from Drumchapel.

Mr Fraser asked Mr Sinclair where the local residents of Monreith Avenue would do their weekly shopping. Mr Sinclair responded that they would travel either by train to Morrisons at Anniesland, or by car to Asda in Bearsden. If they were to have a prescription dispensed, they had a choice of either Morrisons – Anniesland, Sinclair Pharmacy – Spey Road or Lloyds – New Kirk Road.

The Interest Party Sums Up

Mr Sinclair reiterated his belief that whatever neighbourhood the Committee deemed the Applicant's proposed premises to be situated in; the existing pharmaceutical network was providing adequate services.

The Applicant Sums Up

The Applicant reiterated:

- a quarter of the homes were occupied by pensioners;
- the over 75s group was expected to rise by 68%;
- Westerton was a hilly area, making it difficult for the elderly and those with dependents to access pharmaceutical services;
- the major housing development would increase the population by at least 660 people. This would take the population in excess of 5,000, well over the Scottish average for a neighbourhood community pharmacy;
- access to pharmaceutical care outwith the neighbourhood is problematic due to geography no adequate bus service, traffic and parking problems along with cost and distance;
- Community Council and public said they needed a pharmacy especially with the new contract as a delivery service cannot compete with patient to pharmacist contact.

The Applicant believed he had satisfied the application of the legal test contained in Regulation 5 (10) to secure adequate provision of pharmaceutical services in the neighbourhood.

- He had defined the neighbourhood using Lord Nimmo-Smith's opinion, and guidance from Lord Justice Banks' ruling.
- He had shown that the pharmaceutical services available to the residents of this neighbourhood were inadequate;
- He had shown the necessity of the granting of a new contract to fulfil

the requirements of an adequate provision of services for all in the neighbourhood, taking guidance from Sir Louis Blom-Cooper QC in the Queens Division of the High Court who asserted that if the current provision of pharmaceutical services was inadequate then it would be necessary to secure services.

- He had shown the desirability of granting a new contract by the evidence received from the MP, and the overwhelming suggestions and support from the community in the neighbourhood.

DECISION

Neighbourhood

Having considered the evidence presented to it, and the PPC's observations from the collective 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 considered that the neighbourhood should be defined as follows:

North: Drumchapel Road at its junction with Spey Road, along Canniesburn Road to Canniesburn Toll;

West: Spey Road to the railway line;

South: following the railway line adjacent to Maxwell Avenue;

East: Ravelston Road, north to development on old Canniesburn Hospital site to its meeting with Canniesburn Road.

The Committee concluded this neighbourhood as being appropriate due to the existence of steep gradients and the existence of natural boundaries. Residents within the vicinity of Monreith Avenue could access the pharmacy at Spey Road by foot, as this was at the same level. All other exits to the north and south of the area were accessible only via relatively steep gradients. While there were minor services provided in the area e.g. off-license, hairdressers, small grocers, the residents would be required to travel outwith the area to access other services.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

Having reached that decision, the PPC was then required to consider the adequacy of pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

Within the neighbourhood as defined by the PPC, the committee considered that there was an adequate provision of pharmaceutical services provided by the existing contractor located immediately within the neighbourhood. There was no evidence available to the PPC that

accessibility to the present pharmaceutical services provided by the current pharmaceutical network was not adequate. While there was evidence of development in the area, the Committee were confident that those who purchased houses in the new development would either have access to their own transport, or would be existing residents in the Bearsden area who were downsizing their accommodation. These residents would be fully aware that they would require to travel outwith the defined neighbourhood to access general services. The current pharmaceutical contractor provided all services expected by a local community including needle exchange, supervised methadone, and domiciliary oxygen.

In accordance with the statutory procedure the Chemist Contractor members of the Committee Alasdair MacIntyre and Gordon Dykes 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 neither necessary nor desirable in order to secure adequate provision of pharmaceutical service in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

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

5. MATTERS CONSIDERED BY THE CHAIRMAN SINCE THE LAST MEETING

The Committee having previously been circulated with Paper 2006/37 noted the contents which gave details of an application considered by the Chairman outwith the meeting since Tuesday 22nd November 2006.

Minor Relocation of Existing Pharmaceutical Services

Case No: PPC/MRELOC04/2005 – Lightburn Pharmacy, 971 Carntyne Road, Glasgow G32.6

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

**Contractor
Services
Supervisor**

down in the Pharmaceutical Regulations.

DECIDED/-

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

6. NATIONAL APPEALS PANEL DETERMINATIONS

The Committee having previously been circulated with Paper 2006/38 noted the contents which gave details of the National Appeal Panel's determination of appeals lodged against the Committee's decision in the following case;

Colin & Ann Fergusson – 194 Petershill Road, Glasgow G21.4

The Committee noted that the National Appeals Panel had upheld the appeal submitted against the PPC's decision to refuse Colin & Ann Fergusson's application. As such the Applicants' name would be included in the Pharmaceutical List at these premises.

Invercoast Ltd – Sandymount Post Office, 18 Grantlea Terrace, Mount Vernon, Glasgow G32.9

The Committee noted that the National Appeals Panel had rejected the appeal submitted against the PPC's decision to refuse Invercoast Ltd's application. As such the Applicant's name would not be included in the Pharmaceutical List at these premises and the file was now closed.

Ms Suman Barhaya – 673 Eglinton Street, Glasgow G5.9

The Committee noted that the National Appeals Panel had rejected the appeal submitted against the PPC's decision to refuse Ms Barhaya's application. As such the Applicant's name would not be included in the Pharmaceutical List at these premises and the file was now closed.

7. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

8. DATE OF NEXT MEETING

To Be Confirmed.

The Meeting ended at 4.00pm