NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (17)

Minutes of a Meeting held on Tuesday 30th October 2007 Meeting Room, LMC Offices, 40 New City Road Glasgow, G4

PRESENT: Andrew Robertson Chair

Alan Fraser Lay Member

Professor J McKie Deputy Lay Member

Dr James Johnson Non Contractor Pharmacist Member Alasdair McIntyre Contractor Pharmacist Member

Kenny Irvine Deputy Contractor Pharmacist Member

IN ATTENDANCE Trish Cawley Contractor Services Supervisor

Robert Gillespie Lead – Community Pharmacy Development Contracts Manager – 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

Apologies were received on behalf of David Thomson.

2. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

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

Section 1 - Applications Under Regulation 5 (10)

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

Case No: PPC/INCL18/2007

Mr Neeraj Salwan – 125 Robroyston Road, Glasgow G33 1HT

The Committee was asked to consider an application submitted by Mr Neeraj Salwan, to provide general pharmaceutical services from

premises situated at 125 Robroyston Road, Glasgow G33.1 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 Mr Salwan, 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 Neeraj Salwan ("the Applicant") assisted by Mr Harminder Shergill. The interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing were Mr Colin Fergusson (Colin Fergusson Pharmacy), Ms Gillian Tarbet (D G Tarbet Pharmacy) and Mr Gerry Hughes (NHS Greater Glasgow & Clyde Area Pharmaceutical General Practitioner Subcommittee).

Prior to the hearing, the Panel had collectively visited the vicinity surrounding 125 Robroyston Road, Glasgow G33.1, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider areas of Barmulloch, Royston, Wallacewell Road and Red Road Flats.

The procedure adopted by the PPC at the hearing was that the Chair 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 then gave their presentation, with the opportunity for the Applicant and PPC to ask questions. The Interested Parties and the Applicant were then given the opportunity to sum up.

The Applicant's Case

Mr Salwan commenced his presentation by apologising to the Committee for not submitting the covering letter mentioned in his initial application. He then went on to describe the neighbourhood in which the proposed premises were situated. He advised that the premises in question were located in the lower South East part of Barmulloch. He

opted to describe the neighbourhood as that of Wallacewell South and the neighbourhood known as as Barmulloch.

The boundaries of the neighbourhood were in Mr Salwan's opinion:

North: Wallacewell Road;

East: Hillhead Road, going down Standburn Road and Robroyston

Road;

South: the M80 and the rail track;

West: Broomfield Road.

He advised that this was a distinct neighbourhood in its own right and consisted of facilities and amenities that the residents of Barmulloch would use on a daily basis, some of which were: schools, playgrounds, parks, a college, shops, a community centre and a library.

There would be a crossover of use for some of these facilities with surrounding areas, but on the whole they were to be found in Barmulloch and used mainly by the residents that stay there.

Mr Salwan advised that there were a number of new and proposed residential developments within a one mile radius of the proposed site. The list of developments was relatively long and the Applicant chose to provide details of only the nearest ones, which were:

Location	Status	Capacity	Total Complete
Standburn Road/Wallacewell Road	218 potential	218	0
Rye Road	Under construction	66	52
Broomfield Road/Cardow Road/Birnie Road	200 potential	200	0
Robroyston Road	Under construction	138	39
Robroyston Road	Under construction	122	4
Rye Road/Ryehill Road	135 planning granted	135	Jan 08
Torryburn/Berryburn/Scotsburn Road	Planning granted	135	0

In summary there would be 326 new houses completed shortly with another 553 potential houses to be erected in the Applicant's defined neighbourhood which would be a mixture of local housing association and private build. By applying an average occupancy of 3 per household, this would give a potential increase in population of 1,000 with a further 1,659 expected, which could take the population increase to 2,659.

The Applicant felt that this increase could put a strain on pharmaceutical services being currently offered and that an additional pharmacy would help alleviate any increase in demand on these services. The opening of a new local pharmacy was not to undermine the current provision of pharmacy services in the area but in fact to augment, support and improve current services available to the people of that area. It was for these reasons that the Applicant believed the viability of other pharmacies in surrounding areas would not come into question.

Mr Salwan explained that a significant part of the population was made up of those elements that would benefit from the eMAS service i.e. 24% pensioners and 26% under 18. Mr Salwan contended that an additional pharmacy would be a vital resource to the neighbourhood in the light of the shifting focus in pharmacy from volume dispensing to the provision of healthcare services.

The large elderly population would, in the Applicant's opinion benefit from the services that he planned to offer: eMAS, collection and delivery, Chronic Medication Service (CMS), warfarin clinic, medicines review and blood pressure checking.

Mr Salwan provided other statistics including: the percentage of long term ill persons in the neighbourhood was 30% as compared to a Scottish average of 20.31%; the percentage of provision of care providing over 50 hours to the long term ill was 16%, compared to a Scottish average of 2.89%; the percentage of houses rented was 55% as opposed to a Scottish average of 34%; the percentage of households with no car was 64%, as opposed to a Scottish average of 34%; the percentage of lone parent households with dependent children was 65%, as opposed to a Scottish average of 6.91%.

Mr Salwan advised that these statistics painted a picture of low income and high mortality which was backed up by a higher than average Carstairs rating of 8.31% which was a score for deprivation in an area taken from 2001 Census data.

The Scottish Index of Multiple Deprivation (SIMD) which Mr Salwan explained was a scoring system that took 6,500 data zones in Scotland with 700 households in each and measured a set of indicators and scores each so that 1 was the lowest or worst area and 6,500 was the highest or best area in Scotland. The SIMD scores for Barmulloch were: general – 563, income – 107 and health – 102. This put the area within the 10% most deprived areas in Scotland.

Mr Salwan considered that he had demonstrated that the neighbourhood would highly benefit in terms of healthcare provision within a community pharmacy setting to offer new pharmacy contract services and additional services such as family planning.

Mr Salwan advised that currently in his neighbourhood there were no pharmaceutical services. Residents had to travel out-with their area to

access such services. A representative from the Glasgow Drug Addiction Service had advised that for the G33 post-code area there was currently over 10% of the 336 allocates supervised methadone spaces available therefore another pharmacy would help fill this under provision.

Mr Salwan advised that no planning consents or building warrants were required for the 800 sq ft pharmacy, which would be available within six weeks. The Applicant had negotiated a 10 year lease with rent review in year three and a break option in year five. The shop would be fitted out by a specialist pharmacy shop fitting company who would adhere to all Society guidelines and current disability discrimination Act requirements. Ample well lit parking was available outside the unit.

Mr Salwan considered that the current pharmaceutical services provided in his neighbourhood were inadequate as there was no pharmacy in the neighbourhood. Even if the Board thought that the pharmaceutical provision was borderline then as he had previously explained with the large population and potential increase in population there was a desirability to grant the contract.

The Interested Parties Question the Applicant

In response to questioning from Mr Hughes, the Applicant confirmed that the Glasgow Addiction Service had advised that if a pharmacy were to open in the area there would be methadone clients who would utilise the services.

In response to questioning from Mr Fergusson, the Applicant confirmed that 135 of the residences at Rye Road would be built by Glasgow Housing Association. He agreed that the new development at Scotsburn Road could result in car ownership within the area increasing due to the type of housing; however he believed that the current pharmacy service would still be inadequate for those residents ho did not have access to a car. He further agreed that the replacement of the four storey flat could result in a decrease in population depending on the type of dwellings built, but reiterated that at this point this was unknown.

There were no questions to the Applicant from Ms Tarbet.

The PPC Question the Applicant

In response to questioning from Dr Johnson, the Applicant disagreed with the assertion that there was little difference between the two sides of Wallacewell Road. He asserted that the area north of Wallacewell Road was distinct from that to the south.

In response to further questioning from Dr Johnson, the Applicant advised that the levels of ill health and deprivation outlined in his presentation were not merely claims, but were supported by statistical evidence. He did not agree with Dr Johnson's suggestion that the number of GP practices was low if the area was as deprived as the

Applicant contended. He advised that the number of GP practices was comparable to other areas with similar deprivation and illness rates.

In response to questioning from Mr MacIntyre, the Applicant confirmed that he was aware that some of the services mentioned in his presentation could only be offered if commissioned by the Health Board and that some were outwith the scope of the pharmacy contract. He further confirmed that he was aware that he may not receive payment for some of the services he intended to provide.

In response to further questioning from Mr MacIntyre, the Applicant confirmed that he considered the granting of the contract to be necessary as currently there was no pharmaceutical service in the neighbourhood.

In response to final questioning from Mr MacIntyre, the Applicant advised that the walkway to the South of his proposed premises was a significant barrier to access. This would be exacerbated during dark nights and he did not consider it to be the best way for the elderly to travel.

In response to questioning from Professor McKie, the Applicant advised that there was diffused lighting along the walkway. He further confirmed that in his opinion those resident to the south of Quarrywood Road would currently access services in the Square. He also confirmed that he was not familiar with the bus routes in the area.

In response to final questioning from Professor McKie, the Applicant confirmed that there were 326 new houses coming to completion in the area, with a further potential for 553.

In response to Mr Fraser's suggestion that housing in the area would be replaced by lesser density housing and that his suggested increase in population was excessive, the Applicant advised that even if he reduced the occupancy level on which the calculation was based, this would still lead to a significant increase in population.

In response to questioning from Mr Irvine, the Applicant confirmed that the population statistics mentioned during his presentation were related to Wallacewell South only. He also agreed that his proposed premises were situated on the periphery of the neighbourhood as he had defined. He confirmed that those residents to the north-west of his neighbourhood would access services along Wallacewell Road. He had tried to secure premises in Quarrywood Road, however he had been unsuccessful. He confirmed that residents in some parts of his neighbourhood may currently access services in other areas.

There were no questions to the Applicant from Mr Gillespie or the Chair.

<u>The Interested Parties' Case – Mr Colin Fergusson (Colin Fergusson Pharmacy)</u>

Mr Fergusson advised the Committee that the neighbourhood he considered would be served by the Applicant's proposed premises was outlined in yellow on the map he had provided for this purpose. His neighbourhood was:

North: Auchinairn Road;

East: Standburn Road to Robroyston Road:

South: the M80 motorway; and

West: Broomfield Road.

He contended that his pharmacy situated on Wallacewell Road served this neighbourhood. He appreciated that his definition took in the area of Auchinairn and that some of those resident would access services at Auchinairn Pharmacy. Within this area there was a church, schools, community hall and shops.

Mr Fergusson advised that 60% of patients served by his pharmacy came from the Barmulloch area and 40% to the north. Within the neighbourhood Glasgow Housing Association showed that there were 1,200 homes. This equated to 55% of the housing population. Major works were being undertaken to upgrade the housing stock and some of the four storey tenement flats were being demolished to be replaced with single unit and two storey houses.

Mr Fergusson advised that his pharmacy provided a collection and delivery service. He conducted house visits and was taking part in the Keep Well initiative. He was of the opinion that an additional contract in the area would affect certain aspects of the pharmaceutical provision offered by the current network. He contended that there were currently two pharmacies in the area where the population had actually decreased around Bucksburn Road and Scotsburn Road.

Mr Fergusson suggested there was no evidence of inadequacy. Mr Fergusson's pharmacy currently provided methadone supervision services to 25 patients and was willing to accept more. No patient had been refused.

The Applicant Questions Mr Fergusson

In response to a question from the Applicant, Mr Fergusson advised that he did not consider that a pharmacy in the Applicant's definition of neighbourhood would be viable, while the population within the two neighbourhoods (the Applicant's and Mr Fergusson's) was approximately 5,000 and was already served by the existing pharmacy network.

In response to further questioning from the Applicant, Mr Fergusson advised that his pharmacy in Wallacewell Road did provide services to some residents west of Broomfield Road, however most of these residents would normally access the pharmacies in Springburn. He reiterated that there was only one GP practice in the area defined by

the Applicant.

In response to further questioning from the applicant, Mr Fergusson confirmed that there were several four storey homes in the Barmulloch area. He further confirmed that he had tried providing services after 1.00pm on Saturdays; however there had been little demand.

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

The PPC Question Mr Fergusson

In response to questioning from Dr Johnson, Mr Fergusson asserted that the residents of the Red Road flats would access GP services in Springburn or Townhead.

In response to further questioning from Dr Johnson, Mr Fergusson advised that his understanding of the comments made by the Applicant around methadone services was that if a pharmacy opened in the area it would attract methadone patients. He did not consider that the Glasgow Addiction Service was highlighting a problem in the area.

In response to questioning from Mr MacIntyre, Mr Fergusson advised that he considered his pharmacy in Wallacewell Road to be currently serving the same population as that defined by the Applicant.

In response to questioning from Professor McKie, Mr Fergusson advised that there was a bus route along Quarrywood Road.

There were no questions to Mr Fergusson from Mr Gillespie, Mr Fraser, Mr Irvine or the Chair.

<u>The Interested Parties' Case – Mr Gerry Hughes (NHS Greater Glasgow & Clyde Area Pharmaceutical General Practitioner Subcommittee)</u>

Mr Hughes advised the Committee that he was representing the GP Subcommittee who had previously defined a neighbourhood within which they considered was no unmet need. There were five existing pharmacies within a one-mile radius of the Applicant's proposed premises. While one of these was on the other side of a motorway, the existence of a walkway meant that in reality the distance between the two was approximately 400 yards. The population did not have barriers to the access to general pharmaceutical services. There was no unmet need and therefore no desirability for a contract.

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

The PPC Question Mr Hughes

In response to questioning from Dr Johnson, Mr Hughes advised that he felt there was no unmet need in the area regardless that there was no pharmacy in the neighbourhood. The nearest pharmacy was situated only some 400 yards from the Applicant's proposed premises and there were no barriers to be taken into consideration.

In response to questioning from Mr MacIntyre, Mr Hughes confirmed that the northern boundary identified by the GP Subcommittee was incorrect and that it should be shown as Wallacewell Road.

There were no questions to Mr Hughes from Professor McKie, Mr Gillespie, Mr Fraser, Mr Irvine or the Chair.

<u>The Interested Parties' Case – Ms Gillian Tarbet (D G Tarbet Pharmacy)</u>

Ms Tarbet advised the Committee that the boundaries to the neighbourhood served from her pharmacy were:

North: Quarrywood Road; South: the M8 motorway; West: Broomfield Road; and East: Auchinleck Road

She advised that there had been no problems in patients travelling from Zena Street and Winifred Street to her pharmacy, which could be accessed by a five minute walk. There was also a reliable bus service.

She advised that her pharmacy had not turned down any methadone patients and they delivered dosette boxes. They provided smoking cessation services and serviced a nursing home. Most of the time there were two pharmacists on the premises so that patients who wished to discuss issues had access to advice without the pharmacist being taken away from the counter to oversee dispensing. The Pharmacy took part in the Keep Well Initiative. They provided a good level of service with no waiting times. They had opted to close on a Saturday, but this was because there was little demand for service and mostly the activity had been taken up with methadone patients and paperwork. Ms Tarbet considered there was no need for a further pharmacy.

The Applicant Questions Ms Tarbet

In response to questioning from the Applicant, Ms Tarbet confirmed that she served the population north of the south boundary defined by the Applicant. She confirmed that she did not serve many people from the area north of Quarrywood Road as she considered that they would be more likely to access services at Wallacewell Road.

In response to further questioning from the Applicant, Ms Tarbet disagreed that having two pharmacists in her pharmacy was a luxury.

She explained that she had taken the decision to employ a further pharmacist as an investment in her business so that she could better serve the population and allow her more time to provide services to patients such as advice without having to rush. She considered this an investment in her business. She also confirmed that her pharmacy was closed at lunchtime. She did not consider that there was an unmet need in the area during this time.

The Interested Parties Question Ms Tarbet

In response to questioning from Mr Hughes, Ms Tarbet confirmed that there was a GP surgery directly across from her pharmacy. She advised that she served most of the patients on the practice's list. She further confirmed that she considered her pharmacy to be less than a five minute walk from the Applicant's proposed premises.

There were no questions to Ms Tarbet from Mr Fergusson.

The PPC Question Ms Tarbet

In response to questioning from Mr MacIntyre, Ms Tarbet confirmed that the lighting on the walkway was normal street lighting. She agreed that the lighting could be improved.

In response to questioning from Professor McKie, Ms Tarbet confirmed that prior to the construction of the motorway both sides of Robroyston Road had belonged to the same community. The styles of housing were the same.

In response to questioning from Mr Fraser, Ms Tarbet advised that approximately 15-20% of the patients served by her pharmacy came from the area north of the M80. She advised that they accessed the pharmacy either on foot or by public transport. Ms Tarbet explained that there was a significant sense of community in the area which had a high level of elderly residents and families.

In response to questioning from Mr Irvine, Ms Tarbet agreed that her premises were quite small and that she had made attempts to increase the space. She had attempted to purchase the unit next door, however this sale had not materialised as the unit was only available as a Post Office. She advised that there was additional space upstairs which was used in the provision of services to nursing homes and to make up dosette boxes.

There were no questions to Ms Tarbet from Dr Johnson, Mr Gillespie or the Chair.

The Interested Parties Sum Up

Mr Fergusson advised the Committee that the patients in the area were well served. They had access to a good adequate service

including collection and delivery. There was an adequate bus service in the area. The population had decreased. He contended that the granting of the application may affect the type of services offered in the area. He further advised that he had retained his Pre-registration pharmacist as an investment in the services to be provided under the pharmacy contract. The application in his opinion was not necessary or desirable.

Mr Hughes advised the Committee that there was no need for a pharmacy in this area. He acknowledged the services that were on offer from the current pharmacies and the distances involved. He did not consider the M80 to be a significant boundary. There was no unmet need and therefore there was no need for a further pharmacy.

Ms Tarbet advised that her pharmacy provided a good service to the population. There were no gaps in this service and she did not consider that the population was looking for anything they couldn't get. There was no need for a further pharmacy.

The Applicant Sums Up

Mr Salwan advised the Committee that he had tried to demonstrate to the best of his abilities the real need for a community pharmacy in his neighbourhood and in doing so had satisfied the NHS legal test for the granting of a pharmacy contract. He asserted that an inadequacy had been shown as he believed that there was currently no pharmaceutical provision in his defined neighbourhood. The local residents would definitely benefit from a new pharmacy in the area particularly those who used pharmacy services the most e.g. children and the elderly. It was for these reasons that he asked the Board to agree and to grant the contract.

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 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 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 G21.4 and G33.1
- NHS Greater Glasgow and Clyde plans for future development of services; and
- g) Maps tabled by the Applicant and Mr Fergusson showing their respective definitions of the neighbourhood to be served by the Applicant's proposed premises.

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: Wallacewell Road travelling to Standburn Road;

East: Standburn Road, moving across the roundabout at Saughs Road to Robroyston Road;

South: Robroyston Road across Royston Road to Greenside Street back to Royston Road; and

West: Royston Road to Broomfield Road, along its length to its meeting with Wallacewell Road.

The Committee felt that this was a distinct neighbourhood. The area to the north of Wallacewell Road, while predominantly of a similar housing stock was identified with the Auchinairn area and not the area of Barmulloch to the south. The housing and topography to the east of Standburn Road was entirely different as it comprised a high percentage of private housing and also a large supermarket facility. The Committee did not consider the M80 to be a significant barrier as there was a footbridge within the immediate vicinity of the Applicant's proposed premises that allowed access across the road to the area of

Royston to the south. Prior to the construction of the motorway this had been a single community, which continued to function as such with the benefit of the connecting facility of the walkway. Broomfield Road was, in the Committee's opinion a boundary in that the housing to the west of this was different as was the demographic composition.

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 two 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 did not feel that the Applicant had demonstrated inadequacy and had in fact accepted during his presentation that the current network provided adequate services. The Committee noted the Applicant's claims that the potential increase in population resulting from the various new developments would place additional strain on the current service. The Committee were mindful that much of the development related to the replacement of tenement style housing with lower density single unit housing, which could change the demographics of the neighbourhood. The Committee had heard no evidence to suggest that the existing network would not be able to cope with any changes resulting from the various developments which were due for completion in the near future.

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

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at

Contractor

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.

Services Supervisor

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

5. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

6. DATE OF NEXT MEETING

Scheduled for Wednesday 7th November 2007 at 12.30pm in the Board Room, Ross House, Hawkhead Road.

The Meeting ended at 4.20p.m.