

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (22)
Minutes of a Meeting held on
Friday 14th December 2007
Glynhill Hotel, Junction 27 M8, Paisley Road,
Renfrew PA4 8XB

PRESENT:	Andrew Robertson	Chair
	Professor J McKie	Lay Member
	Peter Daniels	Deputy Lay Member
	Mrs Kay Roberts	Deputy Non Contractor Pharmacist Member
	Gordon Dykes	Contractor Pharmacist Member
	Kenny Irvine	Deputy Contractor Pharmacist Member
IN ATTENDANCE:	Trish Cawley	Contractor Services Supervisor
	Richard Duke	Contracts Manager – Community Pharmacy Development
	David Thomson	Deputy Lead – Community Pharmacy Development
	Janine Glen	Contracts Manager – Community Pharmacy Development
	Elaine Ward	Community Pharmacy Development Pharmacist

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. MATTERS ARISING 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

ACTION

Case No: PPC/INCL23/2007**Arvinder Bilon & James Innes – 14 Barscube Terrace, Paisley PA2 6XA**

The Committee was asked to consider an application submitted by Mr Bilon & Mr Innes to provide general pharmaceutical services from premises situated at 14 Barscube Terrace, Paisley PA2 6XA 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 Messrs Bilon & Innes, 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 Arvinder Bilon ("the Applicant"), assisted by Mr James Innes. The interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing were Mr Asgher Mohammed, (Abbey Chemist) assisted by Ms Claire Bennie and Mr Brian Deveney (Barshaw Pharmacy) ("the Interested Parties").

Prior to the hearing, the Panel had collectively visited the vicinity surrounding the Applicant's premises, pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider area around Lonend, Neilston Road and Glenburn.

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. The Interested Parties then gave their presentations, 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 Bilon commenced his presentation by thanking the Committee for giving him the opportunity to present his case.

He stated that since no pharmacy was located within their defined neighbourhood, the Committee should view that pharmaceutical services to the neighbourhood were inadequate and therefore the granting of the application was both necessary and desirable. He defined the neighbourhood as:

North: The River Cart. This boundary was chosen because the river presented a clear natural boundary.

East: Lochfield Road. Beyond the boundary at Lochfield Road (to the South) there was a markedly different style of housing compared to the housing contained in the Applicants' neighbourhood.

South: Huntly Terrace. Beyond Huntly Terrace there was a change of Council ward, along with a change in housing type/style, which changed from terraced housing to three storey blocks of flats.

West: Ardgowan Street and railway line. Beyond the railway line towards Lonend marked a significant change from an almost exclusively residential neighbourhood area to an almost exclusively commercial area, including a car dealership and petrol station.

From the premises on Barscube Terrace the Applicant's planned to open a modern well-equipped pharmacy that was ready to fully embrace the new contract with the enthusiasm it deserved. A pharmacy based in the heart of the community was in keeping with the Scottish Government's "Delivering for Health" 10 year plan, which clearly stated the Government's desire for pharmacies to provide preventative health care in the heart of the community it served and that this advice should be provided in easily accessible pharmacies. No pharmacy located outwith the Applicant's neighbourhood could meet this vision because they were not easily accessible and were not in the heart of the Applicant's community.

The Applicants had had provisional talks with shop-fitters regarding the 50 m² unit and, based on their experience had been assured that the unit had ample space for a large dispensary area and consulting room. The Applicants had no plans to sell non-pharmacy products.

They wanted to provide a fully comprehensive range of pharmaceutical services including: smoking cessation, compliance aid dispensing, head lice treatment, advice to nursing homes, supervised methadone consumption, diagnostic testing and needle exchange should the Health Board confirm that there is a need. They would also want to be involved in all available Patient Group Directions.

The row of shops at Barscube Terrace contained a council run day

nursery, a hairdresser and a general store with newsagent. The street truly was the heart of the community and visiting it was a daily occurrence for many of the residents. A pharmacy at this location would be ideally placed to answer the local population's health/pharmaceutical care needs.

Beyond the defined neighbourhood the nearest pharmacy to the proposed site was Abbey Chemist, which was located within Abbey Medical Centre and was at least an eight minute walk from the proposed premises. The Applicant did not believe that residents considered Abbey Chemist to be a community pharmacy in the traditional sense. To the average member of the public it would appear that the pharmacy was directly affiliated with the health centre due to its location and lack of clear signage. In addition, it was unlikely that a patient would have their prescription dispensed in Abbey Chemist if their GP was not based in Abbey Medical Centre. It would be very easy to pass the health centre without realising there was a pharmacy there and on Mr Bilon's first visit to the area, he had driven past without noticing the pharmacy.

The pharmaceutical service offered by Abbey Chemist to the Applicant's defined neighbourhood was inadequate and did not meet the needs of the local population. The pharmacy did not open on Saturdays which was outwith the model hours scheme, and perhaps more importantly was not in keeping with the strategy set out in "The Right Medicine" which called for flexible opening hours. With the vast majority of GP surgeries closed on a Saturday, access to a pharmacist and the clinical skills they can provide was vital to meet the local health needs. For this reason, the granting of this application was necessary to fill this service gap.

Saturday closing also had significant ramifications for those that have been deemed necessary by their GP to require supervised daily methadone consumption. Closing on a Saturday serves as a barrier to methadone clients obtaining optimal benefit from their treatment and increases the likelihood of illicit diversion of methadone.

Anyone wishing to access pharmaceutical services on a Saturday has to travel far outwith the boundary of the defined neighbourhood. Using the most direct route, the closest pharmacy was at least 0.7miles distant from the Applicant's proposed site. The distance and gradient involved to travel to obtain pharmaceutical services is significant and challenging, particularly for those such as mothers with pushchairs, the disabled, elderly and for those without transport. Significantly, 49.8% of the households in the neighbourhood do not have access to a car. For those with their own car it was widely known that Neilston Road and Causeyside Road had parking restrictions and limited parking spaces which inhibited access to pharmacies.

The Applicant had conducted an investigation into the provision of public

transport in the neighbourhood and it was discovered that there was no direct bus route from the neighbourhood to Neilston Road where the pharmacies were open on a Saturday. Traveline Scotland advised that walking was the only real option to get from the area near the proposed site to Neilston Road and this would take 23 minutes. This is highly inadequate and serves as a barrier to the patient groups mentioned earlier. For this reason the Applicants urged the Committee that the granting of the application was both necessary and desirable.

Mr Bilon concluded that the fact that there was no pharmacy open on a Sunday nearby further highlighted both the necessity and desirability of the Applicants' case. The nearest pharmacy open on a Sunday was located within Glasgow International Airport, which was only realistically accessible to those travelling by air that day.

The Interested Parties Question the Applicant

In response to questioning from Mr Mohammed, Mr Bilon confirmed his assertion that the proposed premises were easily accessible for the neighbourhood being served. Most of the residents would travel to the parade of shops as part of their everyday life. He did not agree that the gradient would put people off accessing the shops which were located in a central point and had easily access to a pedestrian crossing.

In response to further questioning from Mohammed, Mr Bilon confirmed that he had noticed the updated signage at Abbey Chemists. He conceded that the signage was an improvement from that which was in place previously.

In response to further questioning from Mr Mohammed, Mr Bilon advised that he did not consider Abbey Chemists' intention to open Saturdays on a trial basis from January to have any bearing on the application, as he considered that the present situation to be relevant and at this point in time Abbey Chemists did not open on a Saturday. He further confirmed that Paisley had a significant population which would have a requirement for services on a Sunday. He was not aware that Alliance Pharmacy provided services on a Sunday.

In response to further questioning from Mr Mohammed, Mr Bilon advised that he did not consider Abbey Chemists to provide adequate services to the Applicant's defined neighbourhood as their premises were not situated in the neighbourhood.

There were no questions to the Applicant from Mr Deveney.

The PPC Question the Applicant

In response to questioning from Mr Irvine, Mr Bilon confirmed that he

had used a mixture of natural, social and geographical boundaries to identify the neighbourhood. The River to the north was a natural boundary, but the boundary of Huntly Terrace was more demographic and social. He further confirmed that in the two council wards which covered his neighbourhood, the total population was around 4,500. The area had a higher than average percentage of people with detrimental health.

In response to further questioning from Mr Irvine, Mr Bilon confirmed that he had plans drawn up for the pharmacy, but did not have them available at the hearing.

In response to questioning from Mr Dykes, Mr Bilon advised that in his opinion the residents south of Lochfield Road would access services in Paisley town centre. They probably would not travel to facilities at Braehead due to cost and time factors.

In response to further questioning from Mr Dykes, Mr Bilon confirmed the population as being around 4,000. When challenged, Mr Bilon advised that the area had a higher than average level of overcrowding.

In response to questioning from Mr Thomson, Mr Bilon advised that the existence of a pharmacy in the parade of shops would attract other retailers to the location. Three of the units in the parade were already occupied and it was hoped that the establishment of a pharmacy would increase interest in the location

In response to questioning from Professor McKie, Mr Bilon confirmed that the railway line to the south of the Applicants' neighbourhood was active. It runs into Canal Street via a bridge. He further confirmed that there were no direct bus services from the neighbourhood to Neilston Road. There was a bus yo Lochfield Road and Rowan Street. He was not aware where the bus route went after this, but information from Traveline Scotland had confirmed the absence of a direct route from the neighbourhood to Neilston Road.

In response to questioning from Mrs Roberts, Mr Bilon confirmed that the nearest pharmacy was 0.7 miles away from the proposed premises. He asserted that while people might not take cognisance of the difference in buildings between one neighbourhood and another, they recognised the demographic difference between areas.

In response to questioning from Mr Daniels, Mr Bilon confirmed that from the proposed premises to the furthest point in the defined neighbourhood (around Afric Drive) would be a 10-15 minute walk.

In response to further questioning from Mr Daniels, Mr Bilon reiterated his point that Abbey Chemists did not provide adequate services to the defined neighbourhood as it was not located in the neighbourhood. He

conceded that Abbey had improved their signage but maintained that the residents within the defined neighbourhood would still need to travel outwith their area to access services at Abbey Chemists.

In response to questioning from the Chair around what he would consider to be the characteristics of the defined neighbourhood, Mr Bilon advised that Huntershill could be described as an “urban village”. Mr Bilon advised that in the past, the Council had put forward a proposal to change the ward boundaries and those residents within the area objected. They related themselves to the area. There were community amenities in the area including a private nursery, a library and Community Centre and the parade of shops formed the focus of the area.

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

Mr Mohammed thanked the Committee for providing him with the opportunity to respond to the application. He advised that his presentation would be based on his initial letter of objection dated 25th July 2007.

He advised that some of the Applicants’ boundaries appeared to have been chosen purposefully to exclude certain pharmacies in the locality. The natural boundaries, in his opinion, would be: Lonend/Barrhead Road, Neilston Road, Gordon Street and Lochfield Road to the south.

Abbey Chemists’ branch at Lonend was only 0.3miles from the proposed site and offered a full range of pharmaceutical services. The branch had been well established for over 20 years in this neighbourhood and provided a comprehensive range of services for patients.

They had embraced the new pharmacy contract and were in the process of expanding the size of the premises. In addition they were extending their opening hours to include Saturdays 9.00am – 1.00pm, on a trial basis but considered that Sunday opening in their locality was not necessary because the demand for this service would be very low. Signage at the pharmacy had also been improved.

Mr Mohammed did not consider that the Applicants intended to provide any additional services not already provided by the existing pharmacy network in the area.

The Applicant Questions Mr Mohammed

In response to questioning from the Applicant, Mr Mohammed confirmed that Abbey Chemists intended to provide services on a Saturday morning on a trial basis for three months. The pharmacy had opened on a Saturday in the past, but had dispensed few prescriptions

causing the service to be withdrawn. The opening of a new medical centre adjacent to the pharmacy and the increasing importance of the Minor Ailment Service had caused him to reconsider.

In response to further questioning from the Applicant, Mr Mohammed advised that the GPs in Abbey Medical Centre were comfortable issuing five day dispensing prescriptions for their methadone patients. Abbey Chemists branch in Gauze Street was open on a Saturday for any methadone patient that required supervision over six days. He asserted that while six day supervision was known to be the optimal for patients, the GPs were content to prescribe over five days. This would not change even when Abbey Chemists commenced the provision of services on Saturday mornings.

There were no questions to Mr Mohammed from Mr Devanney.

The PPC Question Mr Mohammed

In response to questioning from Mr Dykes, Mr Mohammed advised that Abbey Chemists dispensed many prescriptions from GP practices other than the Abbey Medical Practice. Patients from other practices accessed the pharmacy either on foot, or by car. The parking in the area had improved with the establishment of a car park behind the new medical centre, and the removal of the notice at Abbey Medical Practice, which had in the past deterred people from parking there.

In response to further questioning from Mr Dykes, Mr Mohammed confirmed that the Saturday opening trial would last approximately three months from January to round about Easter.

In response to final questioning from Mr Dykes, Mr Mohammed confirmed that Abbey Chemists had capacity to take on additional methadone clients.

In response to questioning from Mr Thomson, Mr Mohammed confirmed that the decision to trial Saturday opening had been made in response to the opening of the new medical practice adjacent to the pharmacy and the increasing importance of the minor ailment service. He conceded that the minor ailment service had been implemented for over a year, but advised that any decision to extend opening hours had to be balanced between cost and service provision.

In response to questioning from Professor McKie, Mr Mohammed advised that he was not aware what bus services operated within the residential areas surrounding the neighbourhood. He also confirmed that many in the area owned cars.

In response to questioning from Mrs Roberts, Mr Mohammed confirmed that he did not feel Sunday opening was necessary in this

area. A survey had been undertaken several years ago which had identified where prescriptions dispensed on a Sunday were generated. A pharmacy in a neighbouring area now provided this service.

In response to questioning from Mr Daniels, Mr Mohammed confirmed that Abbey Chemists did attract customers from the Hurllet area who travelled by car and by public transport.

There were no questions to Mr Mohammed from Mr Irvine or the Chair.

The Interested Parties' Case – Mr Brian Deveney Barshaw Pharmacy)

Mr Devanney thanked the Committee for giving him the opportunity to present his case. He advised that a further pharmacy in the area was not necessary or desirable. South East Paisley was not a large distinct community lacking pharmaceutical provision.

Within the area of South-east Paisley there were five existing pharmacies which provided a wide and full range of pharmaceutical services and had embraced the provisions of the new pharmacy contract. There had been no complaints that he was aware of, around the lack of services in the area.

Access to services was good, as was access to public transport links.

There had been no increase in population or GP services that would cause an increase to the number of prescriptions generated.

In his opinion the Applicants had drawn their neighbourhood specifically to omit existing contractors and the application was not necessary or desirable.

The Applicant Questions Mr Devanney

In response to a question from the Applicant, Mr Devanney confirmed that his pharmacy provided a collection and delivery service. Patients requiring access to the minor ailment service could make contact with the pharmacy by telephone.

In response to further questioning from the Applicant, Mr Devanney confirmed that he had discounted the increase in population that had occurred with the recent development of flats as this was outwith the Applicants' neighbourhood.

There were no questions to Mr Devanney from Mr Mohammed.

The PPC Question Mr Devanney

In response to a question from Mr Irvine, Mr Devanney confirmed that he agreed with the definition of neighbourhood put forward by the General Practitioner Sub-committee.

In response to questioning from Mr Dykes, Mr Devanney confirmed that his pharmacy could increase the number of methadone patients they treated. He advised that numbers of methadone patients had fallen in his area and spaces were readily available. He also confirmed that he employed a driver to undertake his deliveries, but would also undertake deliveries himself if this was required.

In response to questions from Professor McKie, Mr Devanney confirmed that the flats on the right hand side at Lonend were on the same side of the River Cart as Barshaw Pharmacy.

There were no questions to Mr Devanney from Mr Thomson, Mrs Roberts, Mr Daniels or the Chair.

The Interested Parties Sum Up

Mr Devanney advised that he did not believe there to be a lack of services in the area. The services were adequate. There were five pharmacies currently in the area all providing adequate services. A further pharmacy was not required.

Mr Mohammed advised that the Applicant hadn't provided any evidence of inadequacy. His boundaries had been drawn to exclude pharmacies in the area. Abbey Chemists had given a commitment to provide Saturday morning opening. The application was not necessary.

The Applicant Sums Up

Mr Bilon advised that there was no pharmacy in the area defined. There were no direct bus routes to the areas where currently the residents could access services, and distances to these areas were excessive. Abbey Chemists had not demonstrated a full commitment to the provisions of the new contract and the application was necessary and desirable.

Before the Applicant and the Interested Parties left the hearing, the Chair sought confirmation that they had had a full and fair hearing. All confirmed that they had.

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

- a) Neighbourhood;

- b) Adequacy of existing pharmaceutical services in the neighbourhood and, in particular, whether the provision of pharmaceutical services at the premises named in the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located.

The PPC took into 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 NHS Greater Glasgow & Clyde Area Pharmaceutical (General Practitioner Sub-Committee);
- c) The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee).

The Committee also considered:-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding the Lonend and Paisley areas; and
- f) NHS Greater Glasgow and Clyde plans for future development of services.

DECISION

Having considered the evidence presented to it and the PPC's observation from the site visits, the PPC had to decide firstly on the question of the neighbourhood in which the premises, to which the application related, were located.

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

North: Gordon Street;
East: The White Cart Water;
South: South Avenue, along behind the houses at Larchfield Road to the A726;
West: Hawkhead Road.

The Committee felt that this was a distinct neighbourhood. The White Cart Water to the east formed a physical boundary. The area within these boundaries was, in the Committee's opinion, a neighbourhood

for all purposes. It contained schools, businesses, churches and residential areas and had many of the characteristics expected from a neighbourhood.

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 and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

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

Having regard to the overall services provided by the existing contractors within the vicinity of the proposed pharmacy, and the number of prescriptions dispensed by those contractors in the preceding 12 months, the Committee agreed that the neighbourhood was currently adequately served.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Kenny Irvine 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 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. In the circumstances, it was the unanimous decision of the PPC that the application be refused.

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

4. INTERPRETATION OF ADVICE – JUDICIAL REVIEW

The Committee having previously been distributed with Paper 2007/64

**Contractor
Services
Supervisor**

noted the contents and agreed to take the issues raised in the paper into consideration when determining future applications.

AGREED/-

5. ANY OTHER COMPETENT BUSINESS

Chair

The Chair advised the Committee that he was standing down as Chair of the PPC with immediate effect after his recent appointment to the post of Chairman of the Health Board.

He thanked the Committee for their efforts and commitment over the term of his Chairmanship and wished them well for the future.

Mr Thomson thanked the Chair on behalf of the Committee for his leadership over the years and wished him well in his new role.

6. DATE OF NEXT MEETING

Scheduled for Thursday 10th January 2008 at 12.30pm. Venue to be confirmed.

The Meeting ended at 3.45p.m.