

NOT YET ENDORSED AS A CORRECT RECORD

Pharmacy Practices Committee (04)

Minutes of a Meeting held on

Tuesday 26th February 2008

Meeting Room, Adelphi Centre, 12 Commercial Road, Glasgow G5 0PQ

PRESENT:	Mrs Agnes Stewart	Chair
	Professor J McKie	Lay Member
	Mr William Reid	Deputy Lay Member
	Dr James Johnson	Non Contractor Pharmacist Member
	Mr Scott McCammon	Deputy Contractor Pharmacist Member
IN ATTENDANCE:	Trish Cawley	Contractor Services Supervisor
	Janine Glen	Contracts Manager – Community Pharmacy Development
	David Thomson	Deputy Lead – Community Pharmacy Development

Prior to the consideration of business, the Chairperson asked members if they had an interest in any of the applications to be discussed or if they were associated with a person who had a personal interest in the applications to be considered by the Committee.

No declarations of interest were made.

1. APOLOGIES

There were no apologies.

2. MINUTES

The Minutes of the meeting held on Friday 8th February 2008 **PPC[M]2008/02** were approved as a correct record, subject to the following amendments:

Page 1 – in title “Woolfson” should read “Wolfson”.

Page 7 – in second paragraph “was a dedicated car park” should read “was not a dedicated car park”.

Page 7 – in third paragraph “hose” should read “whose”.

Page 9 – in second paragraph “3-40 minutes” should read “30-40 minutes”.

ACTION

3. **ANY OTHER BUSINESS NOT INCLUDED IN AGENDA**

None.

Section 1 – Applications Under Regulation 5 (10)

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

Case No: PPC/INCL29/2007

Mrs Lisa Christie, L G Pharmacy Ltd, Unit 2 19 Kennedy Path, Townhead, Glasgow G4 0PP

The Committee was asked to consider an application submitted by L G Pharmacy Ltd, to provide general pharmaceutical services from premises situated at Unit 2 19 Kennedy Path, Glasgow G4.0 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 L G Pharmacy Ltd, agreed that the application could be considered by means of the written representations received as it was less than 12 months since a previous application was considered for the same premises.

Prior to consideration of the first application in May 2007, members of the Committee had visited the vicinity surrounding Unit 2 19 Kennedy Path, Townhead, Glasgow G4.0, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider area.

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

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

The PPC took into all account all written representations and supporting documents submitted by the Applicant, the Interested Parties and those who were entitled to make representations to the PPC.

DECISION

The Committee noted that it had first considered an application from the same applicant for the same premises in May 2007. At that time the PPC had approved the application citing that an additional pharmacy was desirable to secure adequate provision of pharmaceutical services in the neighbourhood.

This decision was subsequently appealed by several of the Interested Parties involved in the consultation process. At an oral hearing of the appeal on 25th September 2007, the National Appeals Panel concluded that the current pharmaceutical services in the area were adequate and that the appeals should be upheld.

The Committee were mindful of the additional information provided by the Applicant in this most recent application and took cognisance of the arguments put forward by the Applicant in support of their case. The Committee however noted that the current pharmacy regulations clearly stated at Schedule 3 Part 2 Para 15(1), that the decision of the National Appeals Panel was final. Furthermore they agreed that the appropriate recourse for those who felt adversely affected by a decision of the National Appeals Panel was by means of judicial review. The Committee did not agree that reapplication through the Pharmacy Practice Committee route was appropriate unless circumstances in the neighbourhood had changed to such extent that the NAP's original decision was inappropriate.

After careful deliberation, the Committee concluded that the Applicant's additional information did not demonstrate such a significant change that would deem it appropriate for the application to be considered afresh. They were satisfied that the decision of the NAP remained appropriate given the circumstances prevailing in the area.

In accordance with the statutory procedure the Chemist Contractor Member of the Committee Scott McCammon 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 and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

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

**Contractor
Services
Supervisor**

5. ANY OTHER COMPETENT BUSINESS

National Appeals Panel Report

The Committee discussed the letter received from the National Appeals Panel regarding the proposed report initially requested at the NAP training day held in October 2007.

The Committee noted the NAPs proposal that the report be provided every six months, providing information on the reasons for the NAP to determine appeals by means of an oral hearing.

The Committee agreed that such a report would be useful, but reiterated their disappointment that it would not be provided on a more frequent basis. After comprehensive discussion, the Committee agreed that a response be sent to the NAP seeking publication of the report on at least a quarterly basis, and preferably bi-monthly to assist the Board with the number of applications currently being considered

The Committee also agreed that copies of the NAP decisions should be made available to members of the PPC who had been involved in the original decision.

The Committee discussed the merits of meeting with representatives of the NAP to share concerns and ideas that might be relevant. After comprehensive discussion, it was agreed that NAP should be approached with an invitation to meet Chairs and Vice Chairs of PPCs across all Health Boards to discuss issues and provide useful feedback to the NAP on the current process.

Cancellation of Attendance at Oral Hearings

A comprehensive discussion took place around the recent cancellation of attendance at oral hearings by Applicants. The Committee agreed that Board Officers should explore a proposal to levy an administration charge against Applicant's who fail to provide sufficient notice of cancellation of attendance at oral hearings.

6. DATE OF NEXT MEETING

Scheduled for Thursday 6th March 2008 at 12.30pm. Venue to be confirmed.

The Meeting ended at 2.45p.m.

**Contracts
Manager**

**Contractor
Services
Supervisor**

**Contracts
Manager**

**Contracts
Manager**