



**GREATER GLASGOW
PRIMARY CARE
NHSTRUST**

Meeting: Trust Board (04)
Date: Thursday, 27th April 2000
Paper No: 2000/72
Subject: PHARMACY PRACTICE
COMMITTEE
Presented by: Chairman of Committee –
Mrs Marian Jacobs

PPC[M]2000/02

Minutes of the Meeting of the Pharmacy Practice Committee held in the Board Room, Trust Headquarters, Gartnavel Royal Hospital, Glasgow on Thursday 13 April 2000 at 1.30pm

PRESENT:

Mrs Marian Jacobs
Mrs Patricia Cox
William Reid
Joe McKie
Dr James Bunney
Colin Fergusson

Chairman
Lay Member
Lay Member
Lay Member
Non-contractor Pharmacist Member
Deputy Contractor Pharmacist Member

IN ATTENDANCE:

Nick Zappia
David Thomson
Mrs Janine Glen

General Manager (South) – Primary Care
Director of Pharmacy
Family Health Services Officer (Pharmaceutical/Ophthalmic)

1. DECLARATION OF INTEREST

Before the consideration of business, the Chairman invited members to declare any personal interest that they had in any application being considered.

No declarations of interest were made.

2. APOLOGIES

Apologies for absence were submitted on behalf of Mrs Carol Anderson (Contractor Member) and Mr Norman McGregor Edwards (General Manager – North).

3. MINUTES

The Minutes of the Pharmacy Practices Committee meeting held on 13th January 2000 [PPC(M)2000/01] were approved as a correct record and signed by the Chairman.

Action

4. MATTERS ARISING

Sainsbury's Supermarkets Ltd, Braehead Shopping Centre, Kings Inch Road, Glasgow G51

Regarding Minute 4 – the Committee were informed that a tentative date (Tuesday 30 May 2000) had been set for the hearing of the National Appeals Panel's determination of Sainsbury's appeal against the decision taken on their application to establish a pharmacy in Braehead Shopping Centre.

NOTED

5. APPLICATION FOR INCLUSION IN THE PRIMARY CARE TRUST'S PHARMACEUTICAL LIST

Case No: PPC/INCL03/00 – Joyce Morrison Ltd, 8 Rozelle Avenue, Glasgow G15.7

The Committee were asked to consider an application submitted by Joyce Morrison Ltd to provide general pharmaceutical services from premises situated at 8 Rozelle Avenue, Glasgow G15, according to 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 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 Joyce Morrison Ltd, were satisfied that the application could be determined based on the written representations, and that an oral hearing was not required.

The Committee considered views and representations received from:-

- a) Chemist contractors within the vicinity of the applicant's premises;
- b) the Area Medical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Pharmaceutical (General Practitioner Sub-Committee);

The Committee also considered:-

- d) the location of the nearest existing pharmaceutical services and the level of NHS dispensing carried out during the preceding 12 months;
- e) the location and level of general medical services in the area;
- f) demographic information regarding post-code sectors G15.7, G15.8 and G61.1;
- g) patterns of public transport;
- h) Primary Care Trust plans for the future development of services; and
- i) information regarding future developments in the area from the Department of Planning and Development, Glasgow City Council.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Trust's Pharmaceutical List for the provision of general pharmaceutical services from premises situated at 8 Rozelle Avenue, Glasgow G15. The premises were already constructed although not yet functional as a pharmacy, and the applicant had demonstrated to the Trust's satisfaction that they were actively pursuing an agreement to lease the premises.

The premises were situated in a parade of shops in Rozelle Avenue, Glasgow G15.7. Rozelle Avenue was situated to the north of the Drumchapel area, some distance from the township centre, in the middle of a housing development consisting mainly of rented tenement style housing.

Glasgow City Council had selected Drumchapel for the New Neighbourhood Initiative. This proposal would see substantial amounts of new build housing and other massive regeneration in the area over the next ten years.

Associated with the above Initiative, a major demolition programme was taking place in the Broadholm area of Drumchapel, which was situated approximately 500 yards from Rozelle Avenue. This programme would be finalised in 2002. Over 1,000 homes would be replaced and interim housing arrangements would see 75% of the displaced households being rehoused within the Drumchapel area.

The Committee noted that until December 1999 there had been a pharmacy at 33 Kinclaven Avenue, which was situated only a few hundred yards from Rozelle Avenue. The owner of the pharmacy has taken the decision to close the facility having been given notice to quit the premises by Glasgow City Council (the premises were to be demolished as part of the on-going programme) and attempts to identify suitable alternative premises within the area had failed.

Currently there were five existing pharmacies within a one-mile radius of the applicant's proposed premises. Only one of these pharmacies was within the same post-code sector as the applicant's proposed premises (J B Pharmacy, 63 Kinfauns Drive, G15.7). The nearest pharmacy to the proposed premises was situated at Spey Road which was situated in G61.1.

JB Pharmacy was situated in the township centre, which was nearly 1 mile distant from Rozelle Avenue. The pharmacy at Spey Road was slightly closer, however, the Committee considered that the hilly nature of the area surrounding the premises could make the journey to and from this pharmacy difficult for some elements of the population.

The Committee noted that historically Drumchapel had been an area of high deprivation, with a high percentage of those elements of the population who typically required pharmaceutical services i.e. the elderly, young children. The Committee believed that massive inward investment programme while changing the nature of the area was not reducing the population's requirement for essential services such as pharmacy.

The Committee agreed that a common sense approach should be taken when considering this application. A pharmacy had been in existence in the neighbourhood in which the applicant's proposed premises were situated. The pharmacy had provided much needed services to a distinct neighbourhood, who now had to travel to Drumchapel township centre or into the outskirts of Bearsden to access the use of a pharmacy. The neighbourhood in which Rozelle Avenue was situated had been, in the Committee's opinion, denuded of pharmaceutical services as a result of the closure of the previous pharmacy, and this had resulted directly from the flattening of large areas of the neighbourhood to make way for redevelopment. The Committee believed that pharmaceutical provision would have continued in this area but for this reason.

The Committee concluded that the provision of pharmaceutical services at 8 Rozelle Avenue, Glasgow G15.7 would be necessary and desirable.

The Committee reached its conclusion on the following grounds:-

- i) There was no existing pharmaceutical services in the neighbourhood surrounding the applicant's proposed premises, the establishment of a pharmacy could therefore be said to be necessary;
- ii) The population would have access to pharmaceutical services within their own neighbourhood, and this would be particularly beneficial to those elements of the population that most required a pharmacy service. The establishment of a pharmacy in this neighbourhood was therefore desirable.

In accordance with the statutory procedure, the chemist contractor members of the Committee, Mr C Fergusson withdrew from the meeting prior to a decision on the application being made.

DECIDED/-

That the granting of the application was necessary and desirable to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises, and accordingly that the application seeking inclusion in the Primary Care Trust's Pharmaceutical List at 8 Rozelle Avenue, Glasgow for the provision of general pharmaceutical services be granted.

Family Health
Services Officer

Mr Fergusson rejoined the meeting at this stage

6. APPLICATION FOR INCLUSION IN THE PRIMARY CARE TRUST'S PHARMACEUTICAL LIST

Case No: PPC/INCL04/00 – Mr Neeraj Salwan, 33/35 Bank Street, Glasgow G12.8

The Committee were asked to consider an application submitted by Mr Neeraj Salwan to provide general pharmaceutical services from premises situated at 33/35 Bank Street, Glasgow G12 according to 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 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, were satisfied that the application could be determined based on the written representations, and that an oral hearing was not required.

The Committee considered views and representations received from:-

- a) Chemist contractors within the vicinity of the applicant's premises;
- b) the Area Medical Committee (General Practitioner Sub-Committee);
- c) the Greater Glasgow Area Pharmaceutical (General Practitioner Sub-Committee);

The Committee also considered:-

- d) the location of the nearest existing pharmaceutical services and the level of NHS dispensing carried out during the preceding 12 months;
- e) the location and level of general medical services in the area;
- f) demographic information regarding post-code sectors G4.9 and G12.8;
- g) patterns of public transport;
- h) Primary Care Trust plans for the future development of services; and
- i) information regarding future developments in the area from the Department of Planning and Development, Glasgow City Council.

CONCLUSION

The Committee noted that the applicant had applied for inclusion in the Trust's Pharmaceutical List for the provision of general pharmaceutical services from premises situated at 33/35 Bank Street, Glasgow G12. The premises were already constructed although not yet functional as a pharmacy, and the applicant had demonstrated to the Trust's satisfaction that he was actively pursuing an agreement to lease the premises.

The premises were situated in Bank Street, at its junction with Cowan Street. Bank Street is situated in Glasgow's West End midway between Great Western Road and Glasgow University. The area surrounding the proposed premises is predominantly residential with mainly tenement style housing. Retail facilities can be found mainly on the ground floor of these tenements.

Currently there were 16 pharmacies within a one-mile radius of the applicant's proposed premises. Three of these pharmacies were situated within the same post-code sector as the applicant's proposed premises (G12.8). The nearest existing pharmacy was situated at 693 Great Western Road to the west of Bank Street, and the next nearest was situated at 4.5 Great Western Road to the east of Bank Street.

The other pharmacies in the area provided in addition to general pharmaceutical services, extended hours, domiciliary oxygen, needle exchange and collection and delivery services for those patients who required it.

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.

The Committee noted that the applicant had relied on the provision of a needle exchange facility to support his application.

While recognising the benefit of such provision, the Committee noted that 3 of the 16 existing pharmacies in the area were participants in the Needle Exchange Scheme operated by the Greater Glasgow Primary Care NHS Trust, and that there were 13 pharmacies in total who provided this service across the city. This level of service was considered by the Trust's advisers to be adequate to meet the current demands on the Scheme.

In considering this proposal by the applicant, the Committee were mindful that their role was to consider the application under the terms laid out in Regulation 5(10) of the Pharmacy Regulations which states that an application shall be granted by the Trust "only if it is satisfied that the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood." The Committee agreed that the emphasis

was on the provision of pharmaceutical services as an overall service and that the provision of supplementary services such as needle exchange, while being a contributory factor, was not in itself sufficient reason to grant an additional contract.

While sympathetic to the applicant's desire to provide pharmaceutical services, the Committee could find no evidence of a sufficient need or desirability to justify the granting of an additional NHS dispensing contract.

The Committee reached its decision on the following grounds:

- i) The existing network of pharmaceutical contractors provided an adequate service to the neighbourhood including the provision of extended hours, needle exchange and collection and delivery services to those patients who required it. The granting of an additional NHS dispensing contract was therefore not necessary.
- ii) While an additional pharmacy participating in the needle exchange scheme may be seen as being convenient, the Committee did not agree that convenience was the same as desirability. The Committee agreed that they could not be seen to be setting a precedent by promoting one service over another, when it was clear from the regulations that the provision of the service as a whole must be the deciding factor. The granting of this application was therefore not considered desirable.

In accordance with the statutory procedure, the chemist contractor members of the Committee, Mr C Fergusson withdrew from the meeting prior to a decision on the application being made.

DECIDED/-

That the granting of the application was not necessary or desirable to secure the adequate provision of pharmaceutical services in the neighbourhood of the proposed premises, and accordingly that the application seeking inclusion in the Primary Care Trust's Pharmaceutical List at 33/35 Bank Street, Glasgow for the provision of general pharmaceutical services be refused.

Family Health
Services
Officer

Mr Fergusson rejoined the meeting at this stage

7. APPLICATION FOR THE MINOR RELOCATION OF EXISTING PHARMACEUTICAL SERVICES

Case No: PPC/MRELOC03/00 – Buchanan & Campbell Ltd, Unit 5 West End Retail Park, Crow Road, Glasgow G12.7

The Committee had to consider and determine whether an application by Buchanan & Campbell Ltd seeking relocation of existing pharmaceutical premises situated at 364A Dumbarton Road, Glasgow G12 to new premises situated at Unit 5 West End Retail Park, Crow Road Glasgow G12, was minor in nature in terms of Regulation 5(4) of the National Health Service (General Pharmaceutical Services) (Scotland) Regulations 1995 (as amended).

The Committee, having previously been circulated with all the papers regarding the application from Buchanan & Campbell Ltd proceeded to consider whether the application fulfilled the criteria of a minor relocation as set out in the Regulations.

CONCLUSION

The Committee noted that both the Director of Pharmacy and the Greater Glasgow Area Pharmaceutical General Practitioner Subcommittee had recommended that the application

did not fulfil the criteria for a minor relocation.

The Committee in considering the application were of the view that the population to be served by the company from the new premises was different to that served from their current premises. Although the distance between the two premises was relatively small, the population served from the applicant's current premises would be, in the Committee's opinion, more likely to be on-foot shoppers, while the population using the retail park facility would more be more likely to have access to a car. The Committee believed that this constituted a difference in the characteristics of the populations of the two areas and concluded that the application could not be granted as it did not fulfil both criteria required by the regulations.

DECIDED/-

That the application did not fulfil the criteria under Regulation 5(4) of the Regulations, and accordingly that the application seeking relocation in the Primary Care Trust's Pharmaceutical List to Unit 5 West End Retail Park, Crow Road, Glasgow G12 be refused.

Family Health
Services Officer

8. MATTERS CONSIDERED BY THE CHAIRMAN SINCE THE LAST MEETING

I) Transfer of National Health Service Dispensing Contract Where a Change of Ownership has Taken Place

i) Case No: PPC/CO1/2000 – Superdrug Stores Plc, Unit 1 The Avenue at Mearns, Glasgow G77.6

The Committee considered the action taken by the Chairman on an application for a transfer of the NHS Dispensing contract held by Stephenson's Pharmacy T/A Superdrug Stores, Unit 1 The Avenue at Mearns, Glasgow G77.6.

The Committee noted that the Chairman had granted the application with effect from 1 March 2000, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

ii) Case No: PPC/CO2/2000 – Parkinson (Paisley) Ltd, 403 Nitshill Road, Glasgow G53.7

The Committee considered the action taken by the Chairman on an application for a transfer of the NHS Dispensing contract held by Parkinson of Paisley Ltd at 403 Nitshill Road, Glasgow G53.7.

The Committee noted that the Chairman had granted the application with effect from 1 April 2000, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

iii) Case No: PPC/CO3/2000 – Acme Drug Co Ltd, 491 Victoria Road, Glasgow G42.8

The Committee considered the action taken by the Chairman on an application for a transfer of the NHS Dispensing contract held by Mr P Di Paola T/A A B Buckley at 491 Victoria Road, Glasgow G42.8

The Committee noted that the Chairman had granted the application with effect from 1 April 2000, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

iv) **Case No: PPC/CO4/2000 – Acme Drug Co Ltd, 523 Clarkston Road, Glasgow G44.3**

The Committee considered the action taken by the Chairman on an application for a transfer of the NHS Dispensing contract held by Mr P Di Paola T/A A B Buckley at 523 Clarkston Road, Glasgow G44.3

The Committee noted that the Chairman had granted the application with effect from 1 April 2000, having been satisfied that the application fulfilled the requirements laid down in the Pharmaceutical Regulations.

DECIDED/-

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

II) **Minor Relocation of Existing Pharmaceutical Services**

Case No. PPC/RELOC2/2000 – A G Bannerman Ltd, 100 Napiershall Street, Glasgow G20.6

The Committee considered the action taken by the Chairman on an application for a minor relocation of a general practice pharmacy from 291 Maryhill Road, Glasgow G20.7 to 100 Napiershall Street, Glasgow G20.6.

The Committee noted that in accordance with the Regulations, the Trust had consulted the Greater Glasgow Area Pharmaceutical GP Sub-Committee and the Director of Pharmacy who both considered that the application satisfied the criteria for a minor relocation.

DECIDED/-

That the Chairman's action in determining that the proposed relocation of A G Bannerman Ltd from 291 Maryhill Road to 100 Napiershall Street, Glasgow was a minor relocation as defined in Regulation 5(6) of the National Health Service (General Pharmaceutical Services)(Scotland) Regulations 1995 be homologated.

III) **Extension to Authorisation for Suspension of an NHS Dispensing Contract**

Case No. PPC/SUS01/1999 – Donald Munro Ltd, 263 Alderman Road, Glasgow G13.3

The Committee considered the action taken by the Chairman on an application for an extension to the time limit given to suspend the NHS Dispensing Contract held at 263 Alderman Road, Glasgow G13.3.

DECIDED/-

That the Chairman's action in agreeing that the time limit given to Donald Munro Ltd for the suspension of the NHS Dispensing Contract at 263 Alderman Road is extended to 25 June 2000 be homologated.

9. **PROGRESS REPORT**

Paper Number 2000/09 updating the Committee on applications previously considered was submitted.

Applications Which Were Refused By the Committee And The Files Are Now Closed

New Kirk Pharmacy Ltd – 1 Kirklee Road, Glasgow G12.0 (PPC/INCL02/00)

The above application seeking inclusion in the Trust's Pharmaceutical List was considered by the Committee in January 2000. The application was refused.

No appeals were received during the appeal period that followed the Committee's decision.

The file concerning this application has therefore now been closed.

Applications Which Were Granted By The Committee And The Files Are Now Closed

Stephenson's Ltd – Superdrug Stores Plc, Unit 1, The Avenue at Mearns, Glasgow G77.6 (PPC/MRELOC01/00)

The above application seeking a minor relocation of services was considered by the Committee in January 2000. The application was granted.

Stephenson's moved into their new accommodation and commenced the provision of services on 1 February 2000.

The file concerning this application has therefore now been closed.

NOTED

10. **National Appeals Panel – Review of Procedures**

The Committee had previously been circulated with Paper 2000/10 which gave details of recent changes that had been made to the procedures and processes carried out by the National Appeals Panel for Entry to the Pharmaceutical Lists.

The main changes to the procedures were laid out as follows:

- **Appeals would be considered by oral hearing as a matter of course. Only in exceptional circumstances would an appeal be determined based on the written submissions.**
- **In the event of an appeal the National Appeal Panel's function would be the same as that of a Pharmacy Practice Committee i.e. to consider the application in terms of Regulation 5(10) of the Pharmaceutical Regulations.**
- **It would no longer be incumbent upon Trust officers to present the reasons for the decision made by the Pharmacy Practice Committee; the future role of the Trust's officers at National Appeal Hearings was, in consequence, unclear.**
- **The decision of the Pharmacy Practice Committee and the reasons for it would form part of the information placed before the National Appeals Panel of which account would require to be taken, but would not give rise to any presumption.**

- **The National Appeals Panel will now provide a proper and adequate statement of the reasons for its decision, and in particular to state what material factors it considered in arriving at its decision, and what conclusion it reached on these material factors.**

The Committee learned that these revised procedures had been in evidence at Pollok Health Centre on 16 March 2000. The National Appeals Panel had called an oral hearing to consider an appeal against the decision taken by the PPC in granting an additional contract to Donald Munro Ltd at premises to be situated off Crookston Road, Glasgow G53.

The Family Health Services Officer gave an overview of the proceedings carried out at the hearing, which led to a comprehensive discussion surrounding both the new procedures and the findings of the Judicial Review carried out by Lord Justice Nimmo Smith (which in part had led to the National Appeals Panel carrying out a review).

While some of the developments were welcomed by the Committee, i.e. the proposal to provide an adequate statement of the reasons for its decision, the Committee were nevertheless concerned with some of the proposals, and in particular, with the apparent change to the interpretation of the National Appeals Panel's role.

Previously the Appeals Panel had considered appeals placed before it in the context of whether the decision made by a Pharmacy Practices Committee in an application had been correct or not. However the revised procedures seemed to extend this role to one where the Appeals Panel would consider the application afresh. In this case the Committee were concerned that the revised procedure could be used by some applicants as "having another bite at the cherry" where they disagreed with the Pharmacy Practice Committee's initial decision and did not in fact amount to an appeal mechanism.

DECIDED/-

That a letter be sent on behalf of the Pharmacy Practice Committee, to the National Appeals Panel. The letter should reflect the concern expressed by the Committee over the apparent shift in the National Appeals Panel's role and should seek guidance on elements of the revised procedures that were raised by the Committee.

Family Health Services Officer

11. NEXT MEETING

The next Meeting was noted as 1.30 p.m. on Thursday, 11th May 2000.

The Meeting ended at 2.30 p.m.