

IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY

MINUTE: PPC/07/170

Minute of Meeting of the Pharmacy Practices Committee held on Tuesday 5th June 2007 in Committee Room 1, Lanarkshire Primary Care Division Headquarters, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr B Sutherland

Present: Lay Members Appointed by the Board

Mr William McConnell
Mrs Lynne Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr I Calder

Pharmacist Nominated by Area Pharmaceutical Committee

Mr Paul Martin

Attending: Officers from NHS Lanarkshire - Primary Care

Mr G Lindsay, Chief Pharmacist
Mr A MacKintosh, Primary Care Manager
Ms LA Tannock, Administration Assistant

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APPLICATION BY MR AHDUL F MOHAMMED, 91 MAIN STREET, CALDERBANK, ML6 9SG

(a) There was submitted application by Mr Ahdul F Mohammed, received 27th November 2006, for inclusion in NHS Lanarkshire's Pharmaceutical List

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 5th December 2006 from Alliance Pharmacy
Letter received 6th December 2006 from Health Pharmacy Ltd
Letter received 22nd December 2006 from Area Medical Committee
Letter received 22nd December 2006 from Munro Pharmacy
Letter received 22nd December from Boots Chemist Ltd
Letter received 28th December 2006 from The Pure Pharmacy Company t/a New Stevenston Pharmacy

Letter received 28th December 2006 from J E Robertson
Letter received by fax 29th December 2006 from Monklands
Pharmacy

(c) **Procedure**

Prior to arrival of parties the Chairman asked Members to confirm that they had both received and considered the papers relevant to the meeting. Having ascertained that no Members had any personal interest in the application the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers.

(d) **Attendance of Parties**

The applicant and interested parties entered the meeting.

The Chairman introduced himself and the Members, as well as the officers in attendance from NHS Lanarkshire - Primary Care, and asked that attendees confirm that they had received all papers relevant to the application and hearing.

The Chairman explained that the meeting was being convened to determine the application submitted by Mr Ahdul F Mohammed in respect of 91 Main Street, Calderbank, ML6 9SG, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations, as amended (the Regulations)

The Chairman then continued to explain the procedures to be followed and ascertained that no member of the Committee had any interest in the application. The applicant Mr Ahdul F Mohammed was represented by Mr N Salwan. From the interested parties who were entitled to attend the hearing, Munro Pharmacy was represented by Dianne McGroary, The Pure Pharmacy Company was represented by Catherine Stitt and Catherine Bankier and Alliance Pharmacy was represented by Alison M Irving, ("Interested Parties")

(e) **Evidence Led**

The Chairman invited Mr N Salwan to speak first on behalf of the application

Neighbourhood

Mr Salwan thanked the Committee for the opportunity to attend to present the case on behalf of Mr Ahdul F Mohammed and gave the following overview in support of the application:

We would contend that the neighbourhood in which our pharmacy is sited is of Calderbank which includes the surrounding villages of Brownsburn, Cairnhill and borders on the fringes of Sikeside, and would further contend that there is a need for services in the village of Calderbank which are readily accessible to patients and which will offer a differential pharmaceutical service to the area.

Proposal

We propose to open this pharmacy from 8.30am until 6.00pm on weekdays, 8.30am until 6.00pm on Saturdays and closed on Sundays. This will greatly enhance access to pharmaceutical services by the people of Calderbank.

If granted the Pharmacy will offer:

- Electronic Minor Ailments Service
- Medication Reviews
- Repeat dispensing
- Emergency Hormonal Contraception
- Smoking Cessation
- Head lice treatment
- Compliance Aids
- Prescription collection and delivery
- Cholesterol and blood glucose testing

The abovementioned would be provided along with the core elements of the new pharmacy contract, in particular, ease of access to the Minor Ailments Scheme at a time when it is currently unavailable.

This is not just an application dependant upon the generation of prescriptions from GP's it is instead, an application based on the delivery of pharmaceutical services fully as envisaged under the Right Medicine and now being applied under the New Pharmacy Contract.

There is a belief that current service provision is less than adequate and patients face significant waiting times when attending other pharmacies.

While these inadequacies are recognised; this application seeks to resolve those inadequacies in a novel and innovative fashion.

The test for this application under Regulation 5(10) is whether this application is necessary or desirable to secure adequate pharmaceutical provision in the neighbourhood. We believe there is evidence of inadequacy in Pharmaceutical services and that under this application we offer to secure pharmaceutical service provision that will be adequate for the people of Calderbank.

We believe that this application is fully in the spirit of the new pharmaceutical care services contract. We also believe that with regard to ease of access to current locations, the proposed services we will offer will be greatly enhanced for the people of Calderbank, in particular over the ability to access a pharmacist face to face within the village.

It may be doubted whether we can sustain such a service provision that we offer here today however the business plan we have is robust and will involve commitment from us and we are confident this is a viable proposal.

The Chairman then invited questions from Interested Party to Mr Salwan.

Mrs McGroary challenged the definition of the neighbourhood and enquired as to how many patients were needed to sustain a pharmacy and where these patients would come from and whether or not a collection and delivery service would be provided. Mr Salwan replied that he considered that 2,000 patients were required to sustain a pharmacy, however this may be tight. Mr Salwan highlighted that there were proposals for further housing developments in the neighbourhood and planned to develop services offered to nursing homes. Mr Salwan stated that the delivery service would be provided after the shop closed.

Mrs Irving asked Mr Salwan to define what an acceptable time was to wait in a pharmacy and asked Mr Salwan what the school role was for Calderbank. Mr Salwan considered five minutes was an acceptable waiting time and was not aware what the school role was.

Mrs Stitt enquired if Mr Salwan and Mr Mohammed were both pharmacists, what level of support they had from the local GP practice and what proposals were planned for other parts of the proposed premises. Mr Salwan confirmed that both he and Mr Mohammed were pharmacists and had been for fifteen and two years respectively, Mr Salwan advised that he had been in constant communication with the local medical practice and that Dr MacInnes had provided support for a pharmacy in Calderbank. Mr Salwan advised that alterations were required at the proposed premises and other services could be provided from the first floor area.

The Chairman then invited questions from Members of the Committee to Mr Salwan.

Mr Martin asked Mr Salwan for more information regarding the layout of the proposed premises, what stage the conversion plans were at and the costs associated with converting a kebab shop to a pharmacy and what levels of patient were required to sustain a viable business. Mr Salwan stated that proposed premises were approximately 1,000 square feet and plans were in place to convert the kebab shop within six months at an estimated cost of £60,000 - £70,000. Mr Salwan was of the view that no income would be required during the first two years of trading, this would allow the business to build up over this period and provide a longer term viable proposition.

Mr Calder asked Mr Salwan to elaborate on disability compliance and access issues to the first floor of the proposed premises, to expand on the notion of providing a quicker service and to clarify plans for an enhanced collection and delivery service. Mr Salwan advised that consideration could be given to installing a lift but recognised this would be expensive. Mr Salwan stated that initially business would be quiet and on this basis would be able to provide a quicker service but recognised this would depend on the quantity and complexity of the items being dispensed. Mr Salwan advised that the delivery service would be more personal as this would be done by a pharmacist and not a delivery driver as is the case at present.

Mrs Wilson asked if services would be provided to nursing homes and enquired if Mr Salwan was aware of the number of nursing homes in the area. Mr Salwan advised that no approach had been made to nursing homes; however this would be undertaken if a contract was given. Mr Salwan was not aware of the number of nursing homes in the area.

Mr McConnell asked for clarification on the entrance to the proposed premises and what consideration had been given to parking. Mr Salwan advised that major structural work was required at the proposed premises and would involve the installation of a shop front and this was contained in the planning application which had been submitted to North Lanarkshire Council two months ago. Mr Salwan indicated that parking to the front of the premises was no worse than other areas and advised that census data indicated that 40% of people in the area do not have access to a car.

Mr Sutherland sought clarification on the premises address, what the proposals were in regard to the alterations to the premises and what role the kebab shop would have in the plans. Mr Salwan advised that the kebab shop owner owns the whole block and the proposal was that the applicant would purchase the block and lease the kebab shop back to the current shop owner. Mr Salwan indicated that further work would be required to move a dividing wall.

The Chairman, having ascertained that there were no further questions to Mr Salwan, invited Mrs McGroary, Munro pharmacy, to state her representation.

Mrs McGroary took the opportunity to thank the Committee for inviting her to make oral representation, prior to beginning the following presentation to outline Munro Pharmacy Limited's objection to the application:

It is our submission that the existing provision of pharmaceutical services is adequate and we have not seen any evidence to justify otherwise.

I would consider the neighbourhood to have a population of 1,663 and this is not enough to sustain a pharmacy. Parking is inadequate and the road is busy, particularly for the elderly. NHS24 is available to patients and provides a good service. The GP surgery is only open part time. I provide a same day or next day collection and delivery service to Calderbank and provide around 400 items per week.

In his application Mr Mohammed has not supplied any real evidence of inadequacy in the existing pharmacies. The opening of a pharmacy in Calderbank would affect the viability of Munro Pharmacy, which has recently been refitted and offered a full range of services from staff trained to SVQ level 2 and 3.

It is interesting to note that I have not received any complaints regarding the level of service provided. I would question the proposed delivery service as this could be late in the evening when elderly people are less likely to answer their door and could end up delivering late into the evening.

I believe that there is already a comprehensive range of services available that meet the needs of most patients and therefore I conclude that this proposal is neither necessary nor desirable.

The Chairman then invited questions from the Applicant, to Mrs McGroary.

Mr Salwan asked Mrs McGroary if there was parking outside her pharmacy, Mrs McGroary advised there was and indicated that additional parking was available beside the library.

Mr Salwan asked Mrs McGroary if she felt Calderbank was disadvantaged by not having a pharmacy, Mrs McGroary did not believe patients were disadvantaged and was not aware of any complaints.

The Chairman then invited members of the Committee to question Mrs McGroary.

Mr Martin asked Mrs McGroary what would happen to the collection and delivery service she provides if the application was granted, Mrs McGroary indicated this would go.

Mr Calder sought to clarify the distinction between the contracted collection and delivery service and the service provided at the convenience store where patients buying groceries had access to this delivery service. Mr Calder enquired if there were risks involved where there is no face to face contact between the patient and the pharmacist and as to background checks on the drivers. Mrs McGroary advised that the service provided at the convenience store had been provided for a long time and had been checked by a member from the pharmaceutical society and they had no issues with this service. Mrs McGroary advised that the drivers were ex police officers.

Mr Sutherland enquired of Mrs McGroary how long the collection and delivery service had been operating for, Mrs McGroary advised in excess of seven years. Mr Sutherland asked Mrs

McGroary for her view of the letter from Dr MacInnes, Mrs McGroary indicated that the letter was unsigned.

The Chairman then invited Mrs A Irving of Alliance Pharmacy, Airdrie to state her presentation to the Committee.

Mrs Irving began by stating that she agreed with the definition of the Calderbank neighbourhood as being the village of Calderbank only and not the definition proposed by the applicant, and that the population was 1,663. Mrs Irving then continued by saying that 85% of residents in Calderbank think they are in good health and that the total population of over 60's was 20.22% whilst in Scotland this was 21.07%. Mrs Irving advised that 60% of residents have cars. Mrs Irving went on to say that Alliance have grave reservations regarding the proposed work timescales and for the viability of other contractors.

The Chairman then invited questions from the Applicant, to Mrs Irving

Mr Salwan asked Mrs Irving to go over the statistics again, which she did. Mr Salwan asked Mrs Irving if she had data on the number of Calderbank residents using the local Alliance pharmacies, Mrs Irving indicated she did not have that data.

The Chairman then invited questions from the Committee members to Mrs Irving

Mrs Wilson asked Mrs Irving how many prescriptions were needed to make a pharmacy viable. Mrs Irving was of the view that the provision of a service was more than just prescriptions.

Mr Sutherland asked Mrs Irving if the collection and delivery service extended to a personal visit if necessary. Mrs Irving advised that patients were not always looking for specific pharmaceutical advice but added such a service would be provided if needed.

Having ascertained that there were no further questions, the chairman then invited each of Interested Parties to sum up their representations in turn

Mrs McGroary advised that she had operated for more than 20 years and that a comprehensive service was offered by well trained staff. Mrs McGroary advised that she had a good working relationship with the local GP surgery. Mrs McGroary was of the view that the applicant would need to go out with the boundary to make the business viable. She then went on to state that there were excellent transport links to all other pharmacies and that the existing contractors in adjoining neighbourhoods adequately served the population by delivering a comprehensive range of pharmaceutical care services. Furthermore, no complaints had been received by NHS Lanarkshire regarding access to or the level of pharmaceutical services available. Mrs McGroary concluded by saying that the proposed application was neither necessary nor desirable to secure the adequate provision of pharmaceutical services in the neighbourhood and should, therefore, be rejected.

Mrs Irving then presented her summation to the Committee. She began by stating that she disagreed with the applicant's timescales for carrying out the proposed premises alterations and had grave reservations as to the viability of the proposed business. She then concluded by saying that further provision was neither necessary nor desirable to secure the adequate provision of pharmaceutical services in the area and that the Committee should therefore, reject the application.

Mr Salwan was then invited to sum up in relation to the application.

Patients of Calderbank are within a self contained area and are looking for better pharmaceutical services. Currently patients have to travel and this could involve a bus ride, this is not acceptable. The letter from Dr MacInnes is not signed but is genuine. I would therefore ask this committee to grant this application as being necessary and desirable to secure pharmaceutical service provision in the neighbourhood.

(f) **Retiral of Parties**

The Chairman then invited the Applicant and Interested Parties to confirm that they had received a fair hearing, and that there was nothing further they wished to add.

Having being advised that both parties were satisfied, the Chairman then informed the Applicant and Interested Parties that the Committee would consider the application and their representations and make a determination, and that a written decision with reasons would be prepared, and a copy sent to them as soon as possible. Parties were also advised that anyone wishing to appeal against the decision of the Committee would be informed in the letter as to how to do so and the time limits involved.

At the Chairman's request the Applicant and Interested Party withdrew from the meeting

(g) **Supplementary Submissions**

Following consideration of the oral evidence

THE COMMITTEE

noted:

- (i) that members of the Committee had elected to undertake visits to the proposed site and surrounding areas independently at a time most convenient for them
- (ii) the location of the Doctors' surgeries in relation to existing Pharmacies in Airdrie and Chapelhall, and the site of the proposed pharmacy
- (iii) prescribing statistics of the Doctors within Airdrie, Coatbridge, Holytown, Newarthill, Bellshill and Chapelhall Hamilton during quarter ended 31st December 2006
- (iv) the dispensing statistics of the existing Pharmacies in Airdrie, Coatbridge, Holytown, Newarthill, Bellshill and Chapelhall during quarter ended 31st December 2006
- (v) demographic information on Calderbank, Airdrie, Bellshill, Holytown, New Stevenston, Coatbridge, Chapelhall and Newarthill taken from the 2001 Census
- (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Airdrie, Chapelhall, New Stevenston and Coatbridge
- (vii) Information containing the range of Pharmaceutical Services provided by existing contractors within Airdrie,

Bellshill, Calderbank, Holytown, New Stevenston,
Coatbridge, Chapelhall and Newarthill

(h) **Decision**

THE COMMITTEE

then discussed at length the oral representations of both the Applicant and the Interested Party, and the content of the supplementary submissions received, prior to considering the following factors in the order of the Statutory Test contained within Regulation 5(10) of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, as amended

(i) **Neighbourhood**

THE COMMITTEE

defined the neighbourhood to be an area bounded on the North by the access road to Faskine Farm and by the river North Calder Water to the South, East and Western boundary. In reaching its definition of the neighbourhood Members considered that these were natural boundaries which separated the areas of Calderbank, Brownsburn and Cairnhill.

(ii) **Existing Services**

THE COMMITTEE

noted that there was provision of Primary Medical Services in Calderbank. The Committee was mindful that the residents of the neighbourhood were able to access the existing Pharmaceutical Services provided in Chapelhall which was within approximately 1.5 miles of the proposed site and also the Pharmaceutical Services provided in Airdrie which was within approximately 2 miles of the proposed site. The Committee was also mindful that the residents of the neighbourhood accessed Pharmaceutical services via an official NHS funded collection and delivery service, through collection and delivery services provided by local pharmacies and also via a face to face consultation at the resident's home, if required. It was also agreed that there was no barrier to accessing such services given the strong road links and regular, local bus services.

(iii) **Adequacy**

THE COMMITTEE

in considering adequacy acknowledged that there had been no objections or complaints received by NHS Lanarkshire concerning the lack of provision of Pharmaceutical Services by residents of the neighbourhood. Munro Chemists, Chapelhall; Boots Chemist Ltd, Airdrie; Alliance Pharmacy, Airdrie and several other Airdrie Pharmacies are in close proximity to the proposed site, and provide a full range of services consistent with the breadth and standards of service delivery which can reasonably be expected in 2007.

Accordingly, the Committee deemed that services available to residents of the neighbourhood could be considered adequate.

(iv) Necessity

in discussing the necessity for an additional Pharmaceutical Contract:

THE COMMITTEE

reviewed the existing, comprehensive Pharmaceutical Provision and standards against the criteria for adequacy, and was of the opinion that it was not necessary to provide a new contract in order to provide an adequate Pharmaceutical service.

(v) Desirability

In considering the factor of desirability for an additional Pharmaceutical Contract:

THE COMMITTEE

were conscious that services were deemed adequate and accessible, and acknowledged that the applicant had not produced any documented evidence to suggest otherwise. Members were also mindful to ensure that they differentiated between the concept of desirability for adequacy, not convenience, and that existing Pharmaceutical provision could be judged adequate.

Following the withdrawal of Mr P Martin, in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended.

THE COMMITTEE

agreed unanimously that an additional contract was neither necessary nor desirable to secure adequate Pharmaceutical Services within the neighbourhood, and agreed to reject the application subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended.

Mr Martin returned to the meeting