

**IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY**

**MINUTE: PPC/06/164**

Minute of Meeting of the Pharmacy Practices Committee held on Monday 27<sup>th</sup> November, 2006 in Committee Room 1, NHS Lanarkshire Primary Care Division Headquarters, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr B Sutherland

Present: Lay Members Appointed by the Board

Mrs M Nimmo  
Mr Baird

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr I Calder

Pharmacist Nominated by Area Pharmaceutical Committee

Mr P Aslam  
Mr P Martin

Attending: Officers from Lanarkshire Primary Care Operating Division

Mr G Lindsay, Chief Pharmacist  
Ms A Harrison, Administration Team Leader  
Ms L Tannock, Personal Secretary

**162**

**APPLICATION BY MR DANIEL F DOYLE, 169 EARLSTON CRESCENT, CARNBROE, COATBRIDGE**

(a) There was submitted application by Mr Daniel F Doyle, received 31<sup>st</sup> May, 2006, for inclusion in NHS Lanarkshire Primary Care Division's Pharmaceutical List

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 14<sup>th</sup> June 2006 from Craigneuk & Petersburn Pharmacy

Letter received 27<sup>th</sup> June, 2006 from Alliance Pharmacy

Letter received by fax received 29<sup>th</sup> June, 2006 by Monklands Pharmacy

Letter received 30<sup>th</sup> June, 2006 from H McNulty Ltd  
Letter received 3<sup>rd</sup> July, 2006 from Health Pharmacy Ltd  
Letter received 3<sup>rd</sup> July, 2006 from Coatbridge Dispensary  
Letter received 3<sup>rd</sup> July from JE Robertson  
Letter received by e-mail received 3<sup>rd</sup> July from Lanarkshire Area  
Pharmaceutical Committee

(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 interested parties entered the meeting. The applicant, Mr DF Doyle, did not attend.

The Chairman introduced himself and the Members, as well as the officers in attendance from NHS Lanarkshire Primary Care Division.

The Chairman explained that the meeting was being convened to determine the application submitted by Mr DF Doyle in respect of 169 Earlston Crescent, Carnbroe, Coatbridge 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 Chairman then explained to the interested parties that the applicant, Mr DF Doyle, was not in attendance. Interested parties who were entitled to and did attend the hearing were J E Robertson represented by Mrs J Park, Alliance Pharmacy represented by Mrs A M Irving, H McNulty Ltd represented by Mrs M T Rodgers and Monklands Pharmacy represented by Mrs I Thomson and accompanied by Mr S McAuley ("Interested Parties")

(e) **Evidence Led**

Prior to inviting the interested parties to give their representations the Chairman ascertained whether they were happy to proceed with the hearing in the absence of the applicant. The interested parties confirmed that although they were reticent in presenting their representations in the absence of the applicant, they were happy to proceed.

**The Chairman then invited the Interested Parties to state their representations in turn.**

Mrs M T Rodgers, H McNulty Ltd was first to make her representations and stated that she wished to voice her objections to the application. Mrs McNulty stated that Carnbroe was an affluent housing estate situated between Coatbridge and Airdrie, with very little council properties and no facilities except the school and corner shop, and that potential buyers choose to live there knowing there were no facilities in the area and that most residents were not at home during the day to access services anyway. Mrs Rodger stated that there were strong bus links available to Coatbridge and Airdrie with a half hourly service available to Coatbridge and a one hourly service available to Airdrie, and that residents regularly visited HT McNulty's Pharmacy and used the delivery service available from the Pharmacy. Mrs Rodgers also stated that no residents from Carnbroe had ever indicated to her that the lack of the pharmacy facility in Carnbroe was a problem. Mrs Rodgers then went on to state that the lack of parking spaces at the proposed pharmacy site would cause traffic problems to residents.

**The Chairman then invited questions from Members of the Committee. No questions were posed to Mrs Rodgers by the Members of The Committee**

Mrs Irene Thomson, Monklands Pharmacy was next to make her representations and began by stating that she felt the application was undesirable and furthermore thought that there would be problems with traffic congestion due to the lack of parking spaces at the proposed site, especially as the site was adjacent to the Primary School and Nursery and furthermore complaints had been raised by resident concerning youths hanging around at the corner shop. Mrs Thomson continued by saying that the residents were well served by existing services, Carnbroe being only 2 miles from HT McNulty's in Coatbridge and 1½ miles from Monklands Pharmacy in Airdrie, and that there was no evidence to suggest that pharmacy services in these areas were inadequate. Mrs Thomson finished by stating

that unemployment was low in Carnbroe as were the number of pensioners in the area and that residents would choose to go outwith the community to access other services.

**The Chairman then invited questions from Members of the Committee. No questions were posed to Mrs Thomson by the Members of The Committee**

Ms A Irving, Alliance Pharmacy was third to make her representations to the Committee. She stated that firstly Alliance Pharmacy believed that the neighbourhood was Carnbroe bordered by the railway line to the West, North Calder Water to the North and East and the A8 motorway to the South and that the population as per the 2001 Census, was 1663. Mrs Irving further stated that the housing in Carnbroe was large family style homes, attracting working families who are mobile and who choose to buy houses in Carnbroe in the full knowledge that the only amenity is one small grocer shop. Mrs Irving then continued by questioning the number of the premises in Earlston Crescent which the applicant has applied for. Mrs Irving then stated that Carnbroe residents wishing to access medical, optical, and dental services, supermarkets and Post office services would have to leave Carnbroe and access these service in Airdrie or Coatbridge, and that residents can currently access a full range of services in Airdrie and Coatbridge as would be expected under the current contract plus additional services as demonstrated in the by the information provided in the papers. Mrs Irving ended by stating that the services available to patients within Carnbroe are currently adequate and accessible and asked what services are not currently on offer to residents.

**The Chairman then invited questions from Members of the Committee**

Mr Aslam asked Mrs Irving what Census was used to which Mrs Irving stated that the 2001 Census had been used. Mr Aslam stated that the information was from 5 years ago and the population would be more now. Mrs Irving said she accepted that and that there were indeed new housing development of 3, 4 and 5 bedroom houses by Milne Homes and and Bellway Homes. Mr Calder then stated that he had no specific questions but just wanted to point out about the new homes.

Mrs Janet Park, J E Roberston stated that she had nothing to add as all salient points had already been covered.

**Having ascertained that there were no further questions, the chairman then ascertained whether there was anything the interested parties would like to add to their representations**

Mrs Irving stated that there were questions she would like to have been given the opportunity of putting to the applicant had he turned up.

(f) **Retiral of Parties**

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

Having been advised that all parties were satisfied, the Chairman then informed the Interested Parties that the Committee would consider the application and their representations and make a determination in the absence of the applicant, 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 Interested Parties 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
- (ii) the applicant had failed to turn up for the hearing

- (iii) prescribing statistics of the Doctors within Airdrie and Coatbridge during quarter ended 31<sup>st</sup> December 2005
  - (iv) the dispensing statistics of the existing Pharmacies in Airdrie and Coatbridge for the quarter ended 31<sup>st</sup> December 2005
  - (v) demographic information on Coatbridge taken from the 2001 Census
  - (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Coatbridge and Airdrie
  - (vii) Information containing the range of Pharmaceutical Services provided by existing contractors within Coatbridge
- (h) **Decision**

#### **THE COMMITTEE**

then discussed at length the oral representations from the Interested Parties, 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 the village of Carnbroe. In reaching it's decision the Members considered that Carnbroe was a residential village situated between Airdrie and Coatbridge.

(ii) Existing Services

**THE COMMITTEE**

noted that there were no existing forms of Primary Medical Services located within the neighbourhood, but that there were two existing Pharmacies within 2 miles of the proposed site, one in Airdrie and one in Coatbridge. Furthermore, given that there were no other facilities in the neighbourhood except one small corner shop, and residents would expect to travel outwith the neighbourhood to access other services, they would be able to access pharmacy services not provided by these two Pharmacies, and indeed from the report outlining Pharmaceutical Services provided within Airdrie and Coatbridge, the existing Pharmacies provided a comprehensive range of services. It was agreed that there was no barrier to accessing such services given the strong road links and regular, local bus services to both Airdrie and Coatbridge.

(iii) Adequacy

**THE COMMITTEE**

in considering adequacy paid due regard to the following factors:

- that there had been no objections or complaints received by either NHS Lanarkshire Primary Care Operating Division or any of the interested parties concerning the lack of provision Pharmaceutical Services by residents of the neighbourhood or the town of Coatbridge.
- HT McNulty Ltd and Monklands Pharmacy, located 2miles and 1½ miles respectively from the proposed site provided an adequate range of services, which were complemented by the other Pharmacies within the Airdrie and Coatbridge and that such services are accessible to residents of the neighbourhood and are consistent with the breadth and standards of service delivery which can reasonably be expected in 2006.

- Furthermore, following lengthy deliberation concerning the precise location and nature of the address 169 Earlston Crescent, Carnbroe, the Committee had concerns that the granting of an application to a site which may not be able to be utilised as a commercial property, would not secure an adequate pharmaceutical service within the neighbourhood.

Thus the services available to patients within the neighbourhood could be considered adequate.

(iv) Necessity

In discussing the necessity for an additional Pharmaceutical Contract

**THE COMMITTEE**

discussed the necessity for an additional contract reviewed the availability and accessibility of the existing comprehensive Pharmaceutical service provision available in the nearby towns of Airdrie and Coatbridge, and standards against the criteria for adequacy, and thus Members were of the opinion that existing services were adequate

(v) Desirability

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

**THE COMMITTEE**

in considering the factor of desirability were conscious that services were deemed adequate and accessible. 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 Aslam and 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 P Aslam and Mr P Martin returned to the meeting**