

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

**MINUTE: PPC/08/175**

Minute of Meeting of the Pharmacy Practices Committee held on Thursday, 4<sup>th</sup> September 2008 in Committee Room 1, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr B Sutherland

Present: Lay Members Appointed by the Board

Mr J Murray  
Mrs L Robertson  
Mr C Sargent

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr E J H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mr I Allan  
Mr P Aslam

Attending: Officers from NHS Lanarkshire - Primary Care

Mr G Lindsay, Chief Pharmacist  
Ms C Oates, Administration Team Leader  
Ms K Norton, Personal Secretary

**175** **APPLICATION BY MESSRS K AKRAM & M KHAN, 159-161 CALDER STREET, COATBRIDGE, ML5 4QN**

(a) **Hearing of Appeal**

There was submitted application by Messrs K Akram and M Khan, received 20<sup>th</sup> June 2007, for inclusion in NHS Lanarkshire's Pharmaceutical List.

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 28<sup>th</sup> June 2007 from Alliance Pharmacy  
Letter received 4<sup>th</sup> July 2007 from H McNulty Ltd  
Letter received 11<sup>th</sup> July 2007 from Boots Chemist Ltd  
Letter received 16<sup>th</sup> July 2007 from Health Pharmacy Ltd

Letter received 16<sup>th</sup> July 2007 from Area Pharmaceutical Committee

Letter received 17<sup>th</sup> July 2007 from J E Robertson

Letter received 17<sup>th</sup> July 2007 from Coatbridge Dispensary

Letter received 18<sup>th</sup> July 2007 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, and that they had undertaken a site visit to familiarise themselves with the area. 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 applicants 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.

The Chairman explained that the meeting was being convened to determine the application submitted by Messrs Akram and Khan for inclusion in NHS Lanarkshire's Pharmaceutical List, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, 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, and that all parties had received the papers relevant to the application and hearing. The applicants, Mr K Akram and Mr M Khan, were represented by Mr K Akram. Interested Parties who were entitled to and did attend the Hearing were Mrs M T Rodger, Director, H McNulty Ltd and Ms I Thomson, Monklands Pharmacy ("Interested Parties"). The Chairman advised that the applicant had requested permission to make their submissions by means of a Powerpoint presentation by Mr K Akram, and ascertained that the interested parties had no objection to this presentation.

The Chairman confirmed all parties received the paperwork and that members had made a site visit.

(e) **Evidence Led**

**The Chairman invited Mr Akram to speak on behalf of the application.**

Mr Akram thanked the Committee for the opportunity to attend the meeting, and confirmed that he would present the case by means of a Powerpoint presentation including pictures of the of the proposed site in support of his application:

Mr Akram stated that the premises would be newly built and specific to the needs of a modern pharmacy. The applicant stated that the boundaries of the neighbourhood were Main Street to the North, the A8 road to the South, Coatbank Street to the Whifflet trainline to the East and Cairnhill and Calderbank to the West.

He acknowledged that there was no current healthcare provision in his neighbourhood, and stated that there are currently three primary schools in the area and a new care home and housing developments planned to be built in his defined neighbourhood. He further acknowledged that Monklands Pharmacy and H McNulty Ltd are the closest pharmacies to his proposed site. Whilst they recognise these pharmacies currently provide a comprehensive range of pharmaceutical services, the applicant advised that his contract, if granted, would provide extended opening hours and would work with the Health Board to offer needle exchange and methadone services seven days a week.

It is necessary to grant the application in order to secure adequate provision of pharmaceutical services in the neighbourhood for the following reasons:

1. the neighbourhood, according to the 2001 Census, has a population of 4,793.
2. To access the nearest pharmacies patients would have to pass the proposed site in order to access current services, and furthermore patients would have to travel another half mile to the nearest pharmacy along a busy main road and a road with limited pavement on one side. The applicant showed the Committee a slideshow of pictures which he felt supported his application.

**The Chairman thanked Mr Akram for his presentation and advised he felt the pictures shown had helped both himself and the Committee, then invited questions from Interested Parties to Mr Akram.**

Ms Rogers, H McNulty Ltd, asked the applicant if he was aware a new pharmaceutical contract had already been granted in the Carnbroe area, which he had included in his neighbourhood. Mr Akram advised that he was aware of this, however he was unsure as to the current situation as no pharmacy had actually opened. The Chairman reported that the previously granted application had, in fact, lapsed and that no pharmacy would now open in the area unless a new application was made and granted. Ms Thomson, Monklands Pharmacy, asked Mr Akram if he was aware that the proposed site was only half a mile away from Monklands Pharmacy, and also asked why the areas of Sykeside and Greenend were isolated. The applicant advised that he was aware of this fact, and suggested that the route was not safe given the cross-overs on busy roads. Ms Thomson advised that a large percentage of Monklands Pharmacy customers came from the Sykeside area, and no complaints had been received nor was she aware of any accidents taking place involving patients en route to the pharmacy. Mr Akram suggested his application was made to ensure ease of access to services. Ms Thomson asked if there would be adequate parking available, and was advised that there were plans for 22 car parking spaces, 2 of which were for disabled customers, 1 car parking space would be reserved for the accommodation above the premises.

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

Mr Mallinson asked the applicant to clarify the address of the application, and was advised that the address provided on Form A was given by the owner of the site as being 159-161 Calder Street. Mr Mallinson then asked that, as a new build, could the applicant provide assurance that the premises would be able to open within 6 months of the contract being awarded. Mr Akram stated that the landlord was waiting for the contract to be granted prior to instructing building works. The Chairman asked the applicant if the landlord had obtained all required planning consents, and the applicant confirmed this had been done and advised he had a signed agreement with the landlord that he would have his choice of units, but his preferred choice was the larger unit.

Mr Aslam asked the applicant to confirm his opening hours. Mr Akram advised he was happy to open 9:00am-8:00pm, however he was also happy to look at later opening should the Health Board feel it necessary. He confirmed he was aware of cost implications of late opening and felt the business would be

financially viable. Mr Akram advised that the landlord's bank were organising contractors to undertake building works, and further confirmed that he was aware that, if granted, the contract would open the hours stated on his initial application.

Mr Allan stated he was aware that a petition had been completed by local residents and asked why no support for the application had been made to the Committee. Mr Akram stated that he had expected the hearing to take place later in the year and therefore had not canvassed support, however he advised that he had spoken to local sheltered housing complexes. The Chairman asked the applicant to comment on the petition, who stated it had been left at Nisa Stores over a period of 2-3 months when the applicant had made his initial application for the contract. Mr Akram further advised that there were almost 1500 signatures on the petition.

Mr Murray asked the applicant how he intended to organise methadone services, including the dispensing of methadone. Mr Akram advised patients would enter and leave the pharmacy by a separate entrance and dispensing would take place in a boothed area. Mr Akram said he would avoid key times in the school day, given there were 3 primary schools in the area.

Mrs Robertson asked why the petition had been left in the Nisa Store, and was advised that the owner allowed the petition as it would help him to secure a potential tenant into the new build.

Mr Sargent asked the applicant if he would provide a full delivery service. Mr Akram confirmed he would provide full collection and delivery service to patients.

Mr Sutherland asked the applicant to expand on the collective business experience of both himself and Mr M Khan (co-applicant). Mr Akram stated that neither himself nor Mr Khan had previously owned a pharmacy. The Committee noted that both applicants had a combined 8 years experience as Pharmacists, having worked as locums in various pharmacies, and both applicants had family members who had run their own pharmacies and other businesses, which allowed them to gain experience in dealing with the different problems associated with running your own business.

**The Chairman then invited the interested parties to state their representations.**

Ms Rodgers, H McNulty Ltd, was first to make her representation and advised she was the principle pharmacist and director of H

McNulty Ltd, and that she agreed with the neighbourhood outlined by the Area Pharmaceutical Committee. She reported that her pharmacy had recently invested in staff and premises, and she had recently employed a second full-time pharmacist and an accuracy checking technician. She also advised that a private consultation area and two consulting rooms had been added to the current premises.

Ms Rodgers stated that the population of the proposed neighbourhood travelled to the town centre to access the Post Office, supermarkets, banks and train stations, and it was her opinion that they would find it acceptable to access pharmaceutical services in the same way. Ms Rodgers suggested that the population of Sykeside could be estimated in the region of 2000-2500, which would not be sufficient to grant a new application as being necessary in line with "The Right Medicine".

Ms Rodgers declared that she felt the current pharmaceutical services to the proposed neighbourhood were adequate and asked the Committee to reject the application.

Ms Thomson, Pharmacist, was next to make her representations. She stated that she felt the population of Sykeside and Greenend was well served by the 10 existing pharmaceutical contractors in Coatbridge. She advised that 2 pharmacies offer extended opening hours and work a rota system to accommodate the Out of Hours Service during public holidays.

Ms Thomson advised that Monklands Pharmacy had made considerable financial investment to renovate and extend its premises, which would allow them to provide a more comprehensive pharmaceutical service including methadone services and access to a consultation room

Ms Thomson felt it was neither necessary nor desirable to grant the application given the close proximity of existing contracts.

**The Chairman then invited questions from the Applicant, to the interested parties.**

Mr Akram had no questions for Ms Rodgers.

Mr Akram asked Ms Thomson to describe the parking arrangements at Monklands Pharmacy. Ms Thomson advised that customers used on-street car-parking and the car park to the rear of the building, which was currently being resurfaced.

**The Chairman then invited questions from the Committee to the interested parties.**

The Chairman asked Ms Rodgers how people would get to her pharmacy, and she advised they would either travel by car or walk to her pharmacy, and remarked that most families in the affluent area of Carnbroe would own a car.

The Chairman asked Ms Thomson which areas used her pharmacy, and she estimated that 50% of business came from residents of Sykeside and Greenend. Ms Thomson confirmed she would not include Carnbroe in the neighbourhood.

Mr Mallinson asked Ms Thomson if the granting of the proposed contract would have any effect on the economic viability of Monklands Pharmacy, Ms Thomson advised there was a potential 20% loss of business which posed a threat to her business. She felt it would not cause the pharmacy to close, but would affect the business.

Mr Aslam asked Ms Thomson to confirm how far the proposed pharmacy was from her existing pharmacy, and she stated it was approximately a 10 minute walk.

Mr Allan asked Ms Thomson to define the neighbourhood as she saw it. Ms Thomson stated she felt the neighbourhood of Carnbroe was affluent, whereas residents of Sykeside had different needs. Ms Thomson had no view on the applicant's definition of the neighbourhood. She confirmed that her pharmacy offered a free collection and delivery service.

Mr Murray asked if the loss of business would result in any staff losing their jobs. Ms Thomson advised they currently employ 24 members of staff throughout their pharmacy and perfumery. Furthermore they open 84 hours per week and have been in operation for over 20 years, and that whilst the loss of business may make them less viable, she did not perceive it would result in major issues.

**The Chairman then invited the interested parties to sum up their representations.**

Ms Rodgers, H McNulty Ltd, confirmed she had no further comment to add to her initial representations.

Mrs Thomson, Monklands Pharmacy, confirmed she had no further comment to add to her initial representations.

**The Chairman then invited the applicant to sum up in relation to the application.**

Mr Akram stated that there was a question as to where the neighbourhood started and ended, Sykeside, Greenend and Carnbroe could be included, as they were close to the proposed site.

(f) **Retiral of Parties**

The Chairman then invited the Applicant and interested parties to confirm whether or not he had received a fair hearing, and that there was nothing further he wished to add.

Having being advised that all parties were satisfied, the Chairman then informed the applicant and Interested Parties that the Committee would consider the application and 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 Parties withdrew from the meeting.

(g) **Supplementary Submissions**

Following consideration of the oral evidence

**THE COMMITTEE**

noted:

- (i) the location of the Doctors' surgeries in relation to existing Pharmacies in Coatbridge and Airdrie, and the site of the proposed pharmacy
- (ii) prescribing statistics of the Doctors within Coatbridge and Airdrie during the period February to April 2008
- (iii) the dispensing statistics of the Pharmacies in Coatbridge and Airdrie during the period February to April 2008
- (iv) demographic information on Coatbridge and Airdrie taken from the 2001 Census



(v) comments received from Interested Parties including existing Pharmaceutical Contractors in Coatbridge and Airdrie

(vi) information containing the range of Pharmaceutical Services provided by all contractors within Coatbridge

(h) **Decision**

**THE COMMITTEE**

discussed at length the oral representations of both the Applicant and 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 Regulations 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, as amended.

(i) **Neighbourhood**

Following lengthy deliberation,

**THE COMMITTEE**

defined the neighbourhood as being Sikeside, Greenend and Carnbroe, bounded to the north by the mapped green area and cycle path, Carnbroe to the south, Coatbank Street and main train line to the west, the southern boundary of Carnbroe to the south and along North Calder Water, Monklands Canal and a line up to join cycle path NCN75 to the east.

(ii) **Existing Services**

**THE COMMITTEE**

noted that there were already eight existing pharmacies in the town of Coatbridge and ten existing pharmacies in the nearby town of Airdrie serving the residential population. The existing pharmacies were deemed to provide all services which could be reasonably expected, as detailed in the previously circulated Range of Pharmaceutical Services. Furthermore, it was deemed that residents would be inclined to access pharmaceutical services in Coatbridge town centre, whilst going about their weekly activities in accessing GP Surgeries, banking facilities, Post Office and supermarkets. It was agreed that there was no barrier to accessing such services given the regular, local bus services into the Town Centre. The Committee also noted that

there are currently two existing contractors providing a wide range of pharmaceutical services within walking distance of your proposed site.

### **THE COMMITTEE**

further noted the proposed extended opening hours of the pharmacy until 8pm Monday to Friday (6pm Saturday and Sunday) and the plan to provide methadone services and access to consultation room until then. The Committee also noted that NHS Lanarkshire had received no complaints about the lack of such services beyond 6pm, and was mindful of the ongoing expansion to Monklands Pharmacy, Deedes Street, Airdrie (which opens until 9pm Monday to Sunday), and its plans to provide these services from the end of October 2008.

(iii) Adequacy

### **THE COMMITTEE**

noted the petition, but also paid due regard to the fact that there had been no objections or complaints received by NHS Lanarkshire concerning the lack of provision Pharmaceutical Services by residents of Carnbroe, Greenend and Sykeside. Furthermore, there had been no objective evidence provided by the applicant to suggest that services to the neighbourhood were not adequate. Accordingly, the Committee deemed services available to patients within the neighbourhood could be considered adequate.

(iv) Necessity

### **THE COMMITTEE**

in discussing the necessity for an additional contract, 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 secure an adequate pharmaceutical service.

(v) Desirability

In considering the factor of desirability,

### **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.

Accordingly, following the withdrawal of Mr I Allan and Mr P Aslam, 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 was unanimous in its decision 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 I Allan and Mr P Aslam returned to the meeting.**