

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

**MINUTE: PPC/07/174**

Minute of Meeting of the Pharmacy Practices Committee held on Tuesday 13<sup>th</sup> November 2007 in Committee Room 2, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr B Sutherland

Present: Lay Members Appointed by the Board

Mr W McConnell  
Professor G Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr E J H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mr I Allan  
Mrs J Park

Attending: Officers from NHS Lanarkshire - Primary Care

Mr G Lindsay, Chief Pharmacist  
Mr A MacKintosh, Primary Care Manager  
Ms C Oates, Administration Officer

**174**

**APPLICATION BY LLOYDS PHARMACY LIMITED T/A  
LLOYDSPHARMACY, SAPPHIRE COURT, WALSGRAVE  
TRIANGLE, COVENTRY, CV2 2TX.**

(a) There was submitted application by Lloyds Pharmacy Limited, received 16<sup>th</sup> March 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> March 2007 from Lindsay & Gilmour Pharmacy

Letter received 4<sup>th</sup> April 2007 from Alliance Pharmacy

Letter received 5<sup>th</sup> April 2007 from Boots Chemist Ltd

Letter received 10<sup>th</sup> April 2007 from T McLean & Sons Ltd

Letter received 13<sup>th</sup> April 2007 from Rowlands Pharmacy

Letter received 20<sup>th</sup> April 2007 from Area Pharmaceutical Committee

Letter received 20<sup>th</sup> April 2007 from Condorrat 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 associate entered the meeting.

The Chairman introduced himself and the Members, as well as the officers in attendance from NHS Lanarkshire - Primary Care, and asked Mr Cox to confirm that he 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 Lloyds Pharmacy Limited, 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, 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 M Cox was accompanied by Mrs L Scott.

The Chairman highlighted the issue regarding the completion of Form A in which the applicant had mistakenly undeleted 1(a) and had completed the form as if it had been a 1(c) application. This had been circulated with the intention of the application being a 1(c) application. The Chairman was minded to view this as a simple mistake and advised the interested parties that they could make representations if they felt disadvantaged. There were no objections and the Chairman proceeded with the oral hearing.

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

(e) **Evidence Led**

The Chairman invited Mr M Cox to speak on behalf of the application.

Mr Cox thanked the Committee for the opportunity to attend the meeting, and advised that he would present the case by reading a pre-prepared statement answering the statutory test in support of his application:

A. The location of the premises is Antonine Centre, Town Centre, Cumbernauld. For the purposes of the application the neighbourhood should be defined as the A8011 Central Way; the B8054 Lye Bray; Lenziemill Road and the B8039 Janes Brae. These boundaries are all significant geographical features and main roads and there are no pharmacies within the neighbourhood.

B. Existing GP services in the neighbourhood are indicated.

C. 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 has 2,600 households with 6,100 people, 19% of whom are in social housing (national figure 5.5%). Other figures of note, with national figures in brackets are 27% (22%) on benefits; 51% (34%) without a car. The area is in relative terms, deprived with clear mobility issues. If the areas of Kildrum and Seafar are included this is an additional 8,000 households and 18,000 people.

2. This is an area of dense population and housing, with significant developments proposed and the number of people entering the shopping centre is estimated at 190,000 per week. There is a 13 GP medical practice with approximately 25,000 patients and there is a demand for pharmaceutical services. Asda is in the north east part of the defined neighbourhood and elderly patients require to cross roads and car parks to access these services.

3. Local provision has constraints. T McLean & Sons Ltd has no personal advice area for consultations. Boots is

considered difficult for patients to get to and has a mobile consultation screen which is not ideal.

4. It is our view that the proposed site, opposite the medical centre, will provide accessible service provision with screening for blood pressure and diabetes available. We will work with the local GP's to provide services in an area of dense population.

D. It is desirable to grant the application in order to secure adequate pharmaceutical services reflecting the modern changing needs of the neighbourhood and NHS Pharmaceutical care services.

### **The Chairman then invited questions from Interested Parties to Mr Cox.**

Mr Tait sought clarification on any Heads of Terms of a lease. Mr Cox advised that discussions were at an advanced stage pending the outcome of the Pharmacy Practices Committee

Mrs Williams asked Mr Cox for clarification of the neighbourhood; confirm what pharmacies were in the neighbourhood and if he was aware of any complaints regarding provision of services. Mr Cox advised that the neighbourhood was the A8011 Central Way; the B8054 Lye Bray; Lenziemill Road and the B8039 Janes Brae and that T McLean & Sons were just inside the neighbourhood with Boots the Chemist on the other side of Central Way. Mr Cox was not aware of any complaints regarding the provision of pharmaceutical services.

Mr McLean asked Mr Cox for confirmation that the proposed site, McLean's and Asda, are inside the neighbourhood. Mr Cox acknowledged this.

Mrs Park asked Mr Cox if there was a guarantee that the proposed premises would be open in six months and for more detail on the premises. Mr Cox advised that the proposed premises could be open within six months and advised that the premises were 131M<sup>2</sup>; would have a 10M<sup>2</sup> private consulting room; would be DDA compliant and have a dispensary of approximately 30M<sup>2</sup>.

Mr Sutherland sought clarification on the lease and if anything in the lease could prevent opening. Mr Cox advised that there were no problems and could open the premises within six

months, if any problems were to arise, an application for an extension would be made.

### **The Chairman then invited questions from Members of the Committee to Mr Cox**

Mr Allan was interested in the population and footfall data and asked Mr Cox if he was aware of what proportion of the estimated 190,000 people entering the shopping mall were residents or transient. Mr Cox advised that the population entering the neighbourhood was rising and that approximately 25,000 patients were registered at the Central Health Centre which was close by. Mr Allan proposed that the existing population were well served by pharmacies in the area and patient flow was such that they accessed existing pharmacies adequately. Mr Cox advised that he considered access via foot to Boots and Asda difficult for elderly or infirm patients.

Mr Mallinson asked what services would be provided. Mr Cox stated that they could provide any services NHS Lanarkshire wanted. Mr Cox then advised that oxygen services, methadone services, emergency contraception; collection and delivery service and also eMAS services would be provided. Mr Cox advised that the landlords have no issues with regard to drug addict patients.

Mr McConnell sought clarification on the number of patients referred to in previous statements, stated as 25,000. Mr Cox advised that he was using statistical prescribing data. Mr McConnell queried whether Mr Cox had over stated any perceived access issues to the current range of pharmacies in the area. Mr Cox did not agree and advised that some sections of the community, in his view, particularly mums with children and the elderly, may have access issues. Mr McConnell sought to clarify some issues relating to the neighbourhood, as defined by Mr Cox, in relation to Cumbernauld town centre and whether or not the neighbourhood is in actual fact all of the town centre of Cumbernauld. Mr Cox did not agree.

Professor Wilson was interested in the numbers of expected people to access the shopping mall and sought clarification as to the source to confirm the quoted 190,000 people per week. Mr Cox advised that this data was supplied by the developers and that this forecasted figure was not a future figure but is the present numbers. It was acknowledged that not all units in the shopping mall had yet opened. Professor Wilson asked Mr Cox to expand on the benefits to Lloyds. Mr Cox commented on the

large numbers of potential customers in the neighbourhood which would translate in to prescriptions from GP's and also passing trade who may seek the advice of a pharmacist.

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

Mr Tait advised he had reservations regarding title to any lease proposed by Mr Cox and was concerned that there was no hard evidence to support statements made regarding access problems to existing pharmacies. Mr Tait advised that Boots have already applied to improve their premises. In conclusion, Mr Tait's view was that this was a speculative application, the applicant's definition of the neighbourhood has been purposely drawn to exclude pharmacies, and this application should fail.

Ms Williams objected to the application on the grounds it was neither necessary nor desirable and pointed out that the applicants' designated neighbourhood already has two pharmacies. Ms Williams advised that Lindsay & Gilmour provides daily services to patients and have strong links with the local GP practices. Services provided include a full range of pharmaceutical services; a large number of compliance devices; oxygen; locality palliative care pharmacy; three Patient Group Directions which include eMAS PGD's and unscheduled care PGD; methadone and buprenorphine supervision. In addition to our own pharmacy, there are a further eight pharmacies in Cumbernauld who provide a wide variety of pharmaceutical services to patients and would not consider that there is any inadequacy in service provision and would urge the committee to reject this application.

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

Mr Cox asked Mr Tait to describe the consultation space available in Boots. Mr Tait advised there was an office that was available for consultations and there were plans to upgrade this facility. There was a screen available, but this was not used. Mr Tait advised that an application has been made to NHS Lanarkshire for a minor relocation

Mr Cox asked Ms Williams how far it was to her pharmacy from the proposed site. Ms Williams estimated this to be half a mile. Mr Cox disagreed with this and viewed the journey to be quite

complex. Ms Williams did not accept this advising that the journey may appear to be complex to those not from the area.

Mr Cox asked Mr McLean if they had a consultation room, Mr McLean advised they did not.

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

Mr Allan had no questions.

Mrs Park advised there was a large volume of prescriptions from Central Health Centre sought clarification on patient flows to access services.

Mr McLean advised there was an established network of pathways and the building of the Antonine Centre has had no effect in terms of access.

Mr Tait responded by stating that Central Health Centre is within the town centre.

Ms Williams agreed with Mr Tait and advised that access will depend on what patients are doing and would continue to follow their pattern of accessing services as they have done in the past.

Mr Mallinson sought clarification from Mr Tait regarding the application for minor relocation. Mr Tait advised that the application from Boots was submitted after the application from Lloyds

Mr McConnell had no questions.

Professor Wilson asked Mr Tait if the application from Boots was to relocate to the Antonine Centre, Mr Tait confirmed that it was.

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

Mr Tait had no further comment to make.

Ms Williams stated that it has not been shown that this application is necessary or desirable.

Mr McLean thanked the committee for the opportunity to attend the meeting and closed by stating he felt the application was unnecessary and undesirable.

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

Mr Cox stated that in his view the application was desirable. He advised that no pharmacy has a designated consultation area, with one pharmacy having a private room. Mr Cox raised the issue of problems accessing local pharmacies and in closing asked the committee to make a decision on current demographics.

(f) **Retiral of Parties**

The Chairman then invited the Applicant 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 Mr Cox was satisfied, the Chairman then informed him that the Committee would consider the application and representation and make a determination, and that a written decision with reasons would be prepared, and a copy sent to them as soon as possible. Mr Cox was 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) that members of the Committee had elected to undertake their visit to the proposed site independently at a time most convenient for them



- (ii) the location of the Doctors' surgeries in relation to existing Pharmacies in Cumbernauld, and the site of the proposed pharmacy
  - (iii) prescribing statistics of the Doctors within Cumbernauld & Kilsyth during the period April to June 2007
  - (iv) the dispensing statistics of the Pharmacies in Cumbernauld & Kilsyth during the period April to June 2007
  - (v) demographic information on Cumbernauld taken from the 2001 Census
  - (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Cumbernauld
  - (vii) Information containing the range of Pharmaceutical Services provided by all contractors within Cumbernauld
- (h) **Decision**

#### **THE COMMITTEE**

then discussed the oral representation of the Applicant, 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**

following lengthy deliberation deemed the neighbourhood in which the proposed premises are located to be the Town Centre and area bounded by the A80 to the North, A73 to the West, railway line to the South, with the Eastern boundary extending towards the area of Kildrum to join the A80, excluding The Village.

in reaching its definition:

#### **THE COMMITTEE**

acknowledged the draw and sphere of influence that the town centre has on the residents of Cumbernauld.

(ii) Existing Services

**THE COMMITTEE**

noted that there were five Pharmacies and one General Medical Practice located within the neighbourhood.

(iii) Adequacy

**THE COMMITTEE**

in considering adequacy paid due regard to the following factors:

that there had been no objective evidence provided by the applicant to suggest that services to the neighbourhood were not adequate.

noted that the report on Pharmaceutical Services indicated that the pharmacies within the town of Cumbernauld provided a broad range of services consistent with the standards of delivery which can reasonably be expected in 2007.

(iv) Necessity

in considering the factor of necessity for the relocation of the existing 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 the relocation of the existing 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 I Allan and Mrs J Park, 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 I Allan and Mrs J Park returned to the meeting**