

IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY

MINUTE: PPC/07/169

Minute of Meeting of the Pharmacy Practices Committee held on Friday 11th May 2007 in Committee Room 2, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr B Sutherland

Present: Lay Members Appointed by the Board

Mr A Baird
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 P Aslam

Attending: Officers from NHS Lanarkshire - Primary Care

Mr G Lindsay, Chief Pharmacist
Mrs G Forsyth, Administration Manager
Ms A Harrison, Administration Team Leader

165 **APPLICATION BY T McLEAN & SONS LIMITED, UNIT 28B ANTONINE SHOPPING CENTRE, CUMBERNAULD.**

(a) There was submitted application by T McLean & Sons Ltd, received 2nd February 2007, to relocate Pharmaceutical contract from 2-4 Clyde Walk, Town Centre, Cumbernauld to Unit 28B Antonine Shopping Centre, Cumbernauld.

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 14th February 2007 from Alliance Pharmacy
Letter received 8th March 2007 from 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 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 McLean 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 T McLean & Sons Limited, in respect of relocation of Pharmaceutical contract from 2-4 Clyde Walk, Town Centre, Cumbernauld to Unit 28B, Antonine Shopping Centre, 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 R McLean was accompanied by Mr R Love. None of the interested parties who were entitled to chose to attend the meeting.

(e) **Evidence Led**

The Chairman invited Mr T McLean to speak on behalf of the application.

Mr McLean 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 Clyde Walk, Town Centre, Cumbernauld. The neighbourhood serviced by the above is the surrounding areas of Abronhill, North and South Carbrain, Condorrat, Greenfaulds, Eastfield, Balloch, Kildrum, Seafar, The Village, and Craigmarnoch.
- B. Existing services in the neighbourhood are detailed by contract numbers on the pharmaceutical services list provided by the Pharmacy Practices Committee.
- C. The services provided are adequate with the exception of T McLean & Sons Ltd, 2 Clyde Walk, Town Centre, Cumbernauld.
- D. It is necessary to grant the application in order to secure adequate provision of pharmaceutical services in the neighbourhood for the following reasons:
1. In 1962 when the Town Centre was built, T McLean & Sons Ltd secured premises at 2 Clyde Walk, Town Centre, Cumbernauld, the first to be built there. Over the next 45 years the unit serviced the needs of the community and health board to the best of its ability within the very limited constraints placed upon it by the layout of the unit inside. The unit is 45 years old and constructed with 3 large 36 inch concrete square support columns within the floor area of the unit. A large stairwell 12 feet by 8 feet is also located within the same floor area. The shop front and two sides are of glass/timber construction with only 1 solid wall completing the layout.
 2. The layout severely limits the location and size of the dispensary needed to adequately service the needs of our patients and the new important types of pharmaceutical care services expected of a modern pharmaceutical service.
 3. There is no possibility of any future improvements such as personal advice areas or patient compliance issues, or needle exchange facilities, all frequently requested but due to the elderly construction of the unit allied with health and safety and building control issues in force nowadays, deny us the opportunity to provide any suitable or adequate modern day services expected by the community and NHS Pharmaceutical care services.
 4. It is our view that we currently fall well short of the necessary requirements needed to justify the word adequate.

- E. 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 Members of the Committee to Mr McLean.

Mr Mallinson remarked that given that Mr McLean's presentation majored on the adequacy of T McLean & Sons Ltd as opposed to the provision of services within Cumbernauld, enquired where he thought the gaps in service were. Mr McLean advised that technically there were no gaps, however whilst they strive to do a good job they cannot provide a modern day service or facilities e.g. consultation area. Mr Sutherland asked Mr McLean if he were to close the existing business what would he argue the effect on adequacy in the neighbourhood be. Mr McLean replied that if he was asking if one less Pharmacy would have an impact then it would probably be no – the business would be picked up by other contractors. Mr Sutherland asked what he felt their existing client base and loyal customers would do. Mr McLean replied that yes they do have a loyal clientele because they are the elder statesman in the town centre, and that it is their loyalty to their customers that drives them to give a more modern service, and that whilst they are adequately providing a service they want to do it better, which they are prevented from doing due to premises issues.

Mr Mallinson then asked Mr McLean what benefits he thought the relocated premises would bring should the application be granted. He replied that they would have an improved, modern, purpose built Pharmacy geared towards dispensing of prescriptions and health care, which would bring more services to their customers. That they had entered into discussions with French specialist Pharmacy shopfitters who had a specific customer care focus, and that they intended their Pharmacy to be their flagship store. Mr Mallinson asked for clarification as to whether Mr McLean envisaged the benefits to be mainly cosmetic. He was advised that in the main they would be because the current building was now 45 years old and that they needed a new unit as their existing one was no longer fit for purpose and they desperately needed to modernise.

Mr Mallinson asked Mr McLean if they had considered relocating the Pharmacy before. Mr McLean advised that the previous landlords were Cumbernauld District Council, however that previously planned Phase 2, 3, and 4 redevelopments all failed

to materialise which would have required the landlords to relocate them, furthermore that the Council then sold the shopping centre to private landlords and that it has since change hands three times in the last 35 years. Mr Mallinson asked if there was any possibility that they could be served a compulsory purchase order. Mr McLean said that this would not happen, and that the building of the new Antonine Shopping Centre demonstrates that they are not going to refurbish the existing shopping centre but focus on the new development. Mr Sutherland asked if there was a contractual provision within their lease that would permit the landlord to move them, and was advised that this was included in their standard lease.

Mr Aslam was next to question Mr McLean and asked for clarification as to what extra value or services the relocated Pharmacy would provide over aesthetic appearance. Mr McLean replied that they would apply for anything that the Health Board offered, and that they would have improved premises hosting facilities such as a quiet area and a nicer shop for their customers, and for the services that NHS Lanarkshire wanted them to provide in the future as they could cater for them without difficulty – it would give them a model, flagship store to show off what they could do e.g. specific methadone and needle exchange area, consultation room. Mr Aslam then asked what security they had for leasing the proposed unit. Mr McLean confirmed that they already had paid a non refundable deposit to secure the lease in their name, and that the Centre is due to open on 6th June 2007. Mr Aslam asked if Mr McLean could give an indication as to how long the pharmacy would take to open if the relocation was granted, and was advised that they were confident they could open up within six months easily as the unit was square and wouldn't cause any difficulties with shopfitting.

Mr Baird asked Mr McLean to clarify his earlier statement that if he didn't open the Pharmacy then prescriptions could be dispensed at other Pharmacies, and was advised that yes there was sufficient capacity. Professor Wilson commented that he had entered the Pharmacy during his site visit and witnessed the premises issues, and enquired as to whether the Pharmacy enjoyed a good relationship with the Health Centre. Mr McLean said that they had a very good relationship, which prompted Professor Wilson to ask if he anticipated that the closer location would bring an even better one. Mr McLean advised that they enjoy a good relationship which has built up over the years, and that the relocation was not for the purpose to move closer to the Health Centre, indeed they would have applied to relocate even if the new development was the other side and further

away from the Health Centre. Professor Wilson asked for confirmation that T McLean & Sons Limited would close the existing Pharmacy if the relocation was granted, and Mr McLean replied that this would definitely be the case.

Having ascertained that there were no further questions for Mr McLean, the Chairman asked if he wished to give a summary in relation to the application.

Mr McLean replied that he had no need to sum up as he had been given the opportunity to say everything that he wanted, other than to thank the Committee again for the work that had been put in to allow their consideration of the application.

(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 McLean 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 McLean 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 Associate 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 relocated pharmacy

- (iii) prescribing statistics of the Doctors within Cumbernauld during quarter ended 31st December 2006
- (iv) the dispensing statistics of the Pharmacies in Coatbridge for the quarter ended 31st December 2006
- (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

noted that whilst the application was for a relocation of existing pharmaceutical contract the "statutory test" still applied, and that the application should be considered in the context of whether the location of existing Pharmacies in Cumbernauld today provided an adequate Pharmaceutical service to the residents of the town, or whether a relocation of T McLean & Sons Pharmacy was necessary or desirable to secure an adequate service.

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

noted that whilst the report on Pharmaceutical Services provided by Mr G Lindsay, Chief Pharmacist – Primary Care, 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, recalled Mr McLean's frank account that whilst their Pharmacy has strived to provide services to the best of their ability since opening in 1962, he felt that they were no longer able to grow and develop their service provision to their patients and as such considered themselves to provide a less than adequate modern day pharmaceutical service.

THE COMMITTEE

paying due regard to the above, considered that the totality of services available within the neighbourhood were less than adequate due to the constraints placed on T McLean & Sons Limited by their current premises which had prevented them from moving forward for several years and thus were falling behind current expectations and service delivery, which was bringing the adequacy threshold within the neighbourhood down.

- (iv) Necessity

in considering the factor of necessity for the relocation of the existing Pharmaceutical Contract:

THE COMMITTEE

noted that there was no argument provided by the applicant to suggest that the relocation was necessary to provide an adequate Pharmaceutical service within the neighbourhood, and agreed that whilst they considered services to be inadequate, the applicant agreed that patients would be able to access services from alternative Pharmacies within the neighbourhood thus necessity for the relocation could not be supported.

(v) Desirability

In considering the factor of desirability for the relocation of the existing Pharmaceutical Contract:

THE COMMITTEE

was conscious that services were deemed inadequate and that there was a clear need to raise the adequacy standard within the neighbourhood, which could not be achieved within the current premises.

Following the withdrawal of Mr P Aslamn, 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 the relocation of existing Pharmaceutical contract was desirable to secure adequate Pharmaceutical Services within the neighbourhood, and agreed to approve 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 returned to the meeting.