

THE CONSTITUTION OF THE LOCAL MEDICAL COMMITTEE FOR LEEDS

DATE: 1st January 2008

PREAMBLE

This document sets out the Constitution of the Local Medical Committee for the area of the Leeds Primary Care Trust (hereinafter collectively called the 'PCT').

INTERPRETATION

The paragraph headings shall be taken into account in the interpretation of this Constitution and where the context so requires:

- References to statutes or parts or sections of statutes shall include any statutory modifications or re-enactments thereof or any regulations orders or directions made there under for the time being in force
- References to PCT shall include references to individual PCT in the area for which the Local Medical Committee is formed.

DEFINITIONS

The Act	The National Health Service Act 2006
Administrative expenses of the Committee	Include travelling and subsistence allowances payable to members of the Committee
Appointed Secretary	A person employed by the Committee to act as its Medical Secretary and where the context so requires the words "appointed" and "appointment" shall be construed accordingly
Area	The Area of the PCT
Committee	A Committee recognised by the PCT as formed for the combined area of the PCT and representative of:- <ol style="list-style-type: none">1. Medical practitioners providing primary medical services in the Area for which the Committee is formed under a general medical services contract.2. Other medical practitioners performing primary medical services (i) pursuant to section 83(2)(a) or section 115(4)(a) of the Act (ii) in accordance with section 92 arrangements, or (iii) under a general medical services contract and who in each case has notified the PCT that he or she wishes to be represented by the Committee (and has not notified it that he or she wishes to cease to be so represented)
Committee Member	A person elected or co-opted onto the Committee in accordance with the provisions of this Constitution together with the Secretary who if an Appointed Secretary shall be a non-voting member

Committee Year	Shall conclude on 31 March in each year and where an Officer of the Committee or a member of the Committee is elected or co-opted for a term of office (whether the term shall be for one year or more) the said term shall conclude on the relevant 31 March
GPC Voting Register	A list of Represented Members (including medically qualified LMC Officers) who are eligible to stand, vote or nominate another Represented Member as a GPC regional representative
Performers Lists	The lists maintained by the PCT of medical practitioners providing and/or performing primary medical services or ophthalmic services in the Area
Officers of the Committee	The Chairman, the Vice-Chairman, the Treasurer, the Medical Secretary, Assistant Medical Secretary
Register of Members	<p>The combined Register of Represented Members and Committee members which shall be maintained in several parts comprising:-</p> <p>Register A A list of medical practitioners providing primary medical services in the area for which the Committee is formed under a general medical services contract in the Area together with their addresses</p> <p>Register B A list of Other medical practitioners performing primary medical services (i) pursuant to section 83(2)(a) or section 115(4)(a) of the Act (ii) in accordance with section 92 arrangements, or (iii) under a general medical services contract who in each case has notified the PCT that he or she wishes to be represented by the Committee (and has not notified it that he or she wishes to cease to be so represented)</p> <p>Register C Elected Committee members</p> <p>Register D Co-opted Committee members</p>
Represented Member	<p>Being one of:-</p> <p>1. Medical practitioners providing primary medical services in the area for which the Committee is formed under a general medical services contract in the Area</p> <p style="padding-left: 40px;">Other medical practitioners performing primary medical services (i) pursuant to section 83(2)(a) or section 115(4)(a) of the Act, (ii) in accordance with section 92 arrangements, or, (iii) under a general medical services contract and who in each case has notified the PCT that he or she wishes to be represented by the Committee (and has not notified it that he or she wishes to cease to be so represented)</p>
Returning Officer	A person whose name is not included on any part of the Register of Members invited by the Committee to act, in person or through a deputy, at elections for Committee members
Secretary	A person elected under Clause 3.8 by the Committee to act as its Secretary

1. THE COMMITTEE

1.1 Membership The Committee shall consist of:-

1.1.1 Elected Members

A total of 22 Represented Members who subject to the next following paragraph and to the disqualification provisions in clauses 1.7.1 to 1.7.4 are elected in accordance with the provisions of this Constitution and the persons so elected shall be called "Elected Members". Where the context so requires the expression "Elected Members" shall include those persons co-opted to fill a vacancy in accordance with clause 1.3

- Ten GP Members, two to be elected from each of the 5 PCT sectors within the Leeds area
- Twelve City-Wide GP Members, elected from the entire area covered by the PCT

An Elected Members' eligibility to stand for election shall in addition to the disqualification provisions in clauses 1.7.1 to 1.7.4 be dependent on his having paid at the time of his nomination all current Local and National Levies due to the Committee together with any arrears that may be outstanding and the Returning Officer shall verify the fact of such payment before circulating electors who are not disqualified with election nomination papers. The requirement to have paid the current levies together with any arrears shall not apply to the first two classes of Co-opted Members.

1.1.2 Co-opted Members

- Five Members, comprising:
 - One doctor, agreed by the Committee, from the Leeds Partnership NHS Foundation Trust or its successor;
 - One doctor, agreed by the Committee, from the Leeds Teaching Hospitals Trust or its successor;
 - One doctor, agreed by the Committee, to represent the PCT;
 - One doctor, agreed by the Committee, from academic general practice; and
 - One representative of the GP Registrars, agreed by the Committee, working in the PCT area
- Two other members whether they are medically qualified or not, representing a particular class of experience not otherwise represented on the Committee

1.1.3 Constituency Boundaries

Sector Boundary

For the purpose of electing GP Members of the Committee, the Leeds PCT area is divided into 5 sectors. Two GP representatives shall be elected from each of the sectors

City-Wide Boundary

For the purposes of electing City-Wide Members of the Committee, the constituency is the area served by the PCT

1.2 Term of Office

A period during which an Officer of the Committee or a Committee Member holds office concluding at the end of the Committee's Year

1.3 Vacancies

Where the number of persons elected under paragraph 1.1.1 is less than the number of persons mentioned in such paragraph by reason that no or insufficient qualified candidates have been nominated the Committee may within three months after the election co-opt persons who are not disqualified to fill the vacancies

A casual vacancy will occur on

- the resignation, suspension from or removal from the Performers Lists or death of an Elected Member of the Committee, or
- on the appointment of an Elected Member to the Office of Secretary

Within three months of such a vacancy occurring the Committee may fill the same by the co-option of a practitioner who as far as possible represents the same class of practitioners as the person in post prior to the vacancy arising

Pending the filling of any vacancy the proceedings of any Committee shall not be invalid by reason of such vacancy

A person co-opted to a vacancy shall hold office for the remainder of the period for which the person in whose place he is co-opted would have been entitled to hold office

1.4 Election of Officers

At the first meeting of the new Committee year, Members of the Committee shall elect the following Officers, all of whom shall be general practitioners, to serve for a term of one year:-

- Chair
- Vice-Chair
- Medical Secretary
- Assistant Medical Secretary
- Treasurer

Officers shall be nominated and seconded by Members of the Committee

1.5 Appointment of lay Secretary

The Committee may choose to appoint a lay secretary and, should this be done, the Committee shall nominate one of its members who is in general practice to offer help and advice on matters on which any elector may particularly wish for the guidance of a professional colleague.

In the event of death, resignation or removal from office of the Secretary, the Committee shall appoint a person to act as Secretary in his/her place; and the name of the person so nominated shall be notified to the electors.

1.6 Retirement

A member of the Committee whether elected or co-opted may retire on giving written notice delivered to the secretary and the retirement shall take effect on the date specified in the notice if a date is given or if not on the date when the notice is received by the Secretary

1.7 Disqualification

A Member of the Committee shall be disqualified if

1.7.1 he or she ceases to be a registered medical practitioner or if the member is: (a) the subject of a direction given by the Professional Conduct

Committee under section 36(1)(i) or (ii) of the Medical Act (professional misconduct and criminal offences); (b) the subject of an order or direction made by that Committee under section 38(1) of that Act (order for immediate suspension); (c) following the coming into force of article 13 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel for erasure or immediate suspension under section 35D(2)(a) or (b), (5)(a) or (b), (10)(a) or (b), or (12)(a) or (b) (functions of a Fitness to Practise Panel), or section 38(1) (power to order immediate suspension etc) of that Act.

1.7.2 he or she ceases to provide general medical services under a general medical services contract under The Act, or being a performer of such services whose name appears in Register B either advises the PCT that he or she no longer wishes to be represented by the Committee or ceases to act as such a practitioner for a period in excess of 6 months

1.7.3 he or she has had his name removed from a Performers List and has not subsequently had his or her name included in such a list

1.7.4 if within one month of receiving a due call he or she fails to pay to the Committee any current Local or National Levy due to the Committee together with any arrears that may be outstanding

1.7.5 he or she fails to disclose a pecuniary interest in a matter which is the subject of consideration at a meeting of the Committee or of one of its Sub-committees and takes part in the consideration or discussion of that matter or votes on any question with respect to that matter

1.7.6 he or she fails to attend a meeting of the Committee for a period of six meetings unless the Officers of the Committee excluding the absent Member are satisfied that the absence was due to a reasonable cause and that the absent Member will be able to resume attending meetings of the Committee within such period as it considers reasonable

A co-opted Member of the Committee shall be disqualified if he or she ceases to hold the office or qualification which entitled him or her to be a member of the class of co-opted Members

If any Committee Member's registration with the General Medical Council is suspended he or she shall not be entitled to resume his or her membership of the Committee for the remainder of the period for which he or she was originally appointed but he or she shall be permitted to stand afresh in the next following election if the suspension has ended prior to the date when the Returning Officer sends a written notice of election to each elector.

1.8 Suspension

A member shall be suspended from membership of the committee during any period of suspension from the PCT performers list or during any period of exclusion from work under the Restriction of Practice and Exclusion from Work Directions 2003

2. ELECTIONS

2.1

Appointment of
Returning Officer

The Committee shall appoint a Returning Officer – not an elector – who, in the event of his/her absence or inability to act, shall appoint another person other than an elector, to act in his/her place.

2.2

Timing of Elections

The elections shall take place during the first quarter in each calendar year.

2.3

Election Process –
Sequence of Events

The Sector Elections shall be held and the results known before the City-wide Elections are enacted.

2.4

Constituencies

The Committee may if it wishes divide the area into a number of Constituencies for administrative and electoral purposes. If it does so it shall use its best endeavours to ensure, across each Constituency, the fair and equitable representation of each class of Represented Member

2.5

Term of Office

The elected members of the Committee shall hold office for three years, unless they were appointed or elected to fill a casual vacancy when 1.3 above, is effective.

Appointed Members and those elected to fill casual vacancies shall serve until the next Annual Elections to the Committee.

Co-opted Members shall serve for a period determined by the Committee which shall not exceed 12 months nor extend beyond the next Annual Elections of the Committee

2.6

Method

Voting shall be by postal ballot, by means of the “Single Transferable Vote” (STV) system, of those qualified Represented Members whose names appear in Registers A and B on 1 January in each year that an election takes place and subject to the next following paragraph the persons who are so qualified and whose names are so included on such Registers are referred to as “the electors”

A Represented Member shall not be eligible to vote in or stand in an election if he or she is disqualified under the provisions of paragraphs 1.7.1 to 1.7.5 and as to the provisions of paragraph 1.7.4 the Returning Officer shall verify the fact of payment or otherwise before circulating qualified electors with election nomination papers.

The Returning Officer shall send written notice of the election to each elector and such notice shall be sent so as to be delivered to the elector not less than 10 clear days before the date of the election

Each notice shall

- state the date of the election
- state the constituency in which the elector is entitled to vote
- state the number of vacancies so as to ensure the fair and equitable representation respectively of practitioners on Registers A and B

- invite candidates to submit an election address for circulation to electors with the voting papers
- state the date by which nominations must be submitted to the Returning Officer
- set out the nomination provisions, as set out below, and
- enclose a nomination form

Each candidate shall be nominated by at least two electors and each nomination form must be accompanied by a statement in writing that he or she is prepared to accept office

If the number of nominated candidates qualified for election in each category where there are vacancies does not exceed the number of vacancies the Returning Officer shall declare those candidates to be elected. In other cases a vote shall be taken

Each elector shall be entitled to cast a number of votes equal to the number of vacancies to be filled but may not cast more than one vote for any one candidate

The Returning Officer shall prepare voting papers which shall contain a list of the candidates for whom the elector may vote together with a total number of votes which may be cast by each elector. The voting paper shall also specify the date of the election by which the voting paper must be returned to him or her. A voting paper shall be invalid if it is not signed and/or if the elector has cast more votes than are allowed

The Returning Officer may also disallow a voting paper if it does not comply with this Constitution or if it causes uncertainty as to the candidates for whom the elector desires to record his or her vote, save that the Returning Officer may in his or her absolute discretion treat a voting paper so marked as valid for the purpose of any vote other than that in connection with which the uncertainty arises

Voting papers received by the Returning Officer after the election date are invalid

The Returning Officer, after examining the voting papers and determining the validity of the votes, shall count the votes properly recorded and shall prepare a return for the candidates according to the number of votes which each has received, the person receiving the greatest number being placed highest in the return

If the votes received by any two or more candidates are equal and the addition of one vote to any one such candidate would enable that candidate to be declared elected the Returning Officer shall decide by lot which of the said candidates shall take the highest place

Any question as to the validity of nomination or voting paper or otherwise in connection with an election shall be determined by the Returning Officer in his or her absolute discretion

At the conclusion of the election the Returning Officer shall give notice in writing of the result to all candidates as soon as is reasonably practicable

2.7

Nominations

Every candidate for election as a sector representative must be nominated by at least two electors who are entitled to vote in the sector for which the candidate is nominated

Every candidate for election as a City-Wide representative must be nominated by at least two electors on the Electoral Roll;

Every nomination form must contain a statement signed by the candidate that, if elected, he or she is prepared to accept office.

2.8

Election Principles

When the number of valid candidates in any election does not exceed the number of vacancies, the Returning Officer shall declare those candidates to be elected, unless it is necessary to determine which candidates are elected to longer Terms of Office, when a postal ballot, using the STV system, shall determine which of the candidates is/are elected to each vacancy

When the number of valid candidates in any election exceeds the number of vacancies, a postal ballot using the STV system, shall determine which of the candidates is/are elected

2.10

Voting Rules

Whether for Sector or City-Wide seats, each voting paper shall contain:-

- a statement of the number and identity of candidates for whom the elector may validly vote
- a statement explaining how the voter should cast his / her vote under the STV system
- the deadline by which the voting paper must be returned to the Returning Officer (which shall not be more than 10 days after the issue of such papers).
- an election address of no more than 100 words which each candidate may supply to the Returning Officer in time for it to be distributed with the ballot papers.

A voting paper shall be invalid if:-

- the elector has not voted in accordance with the STV system.
- it is not signed
- it is marked in such a manner as to cause uncertainty as to the candidate(s) for whom the elector desires to record his vote
- it is received by the Returning Officer after the deadline (which shall not be more than 10 days after the issue of such papers)

2.11

Returning Officer's Duties

The Returning Officer, after rejecting any voting papers which are invalid, shall assign votes according to the STV system.

The Returning Officer shall notify all candidates and electors of the result of the election.

After each year's elections, the Committee shall inform all electors of the identity of:-

- the Members of the Committee, its elected Officers

2.12

Validity of Votes and the Electoral Process

Where any document is required to be sent to a practitioner, it shall be deemed duly sent if it has been delivered or posted to the elector's address as it appears on the electoral roll.

Any question as to the validity of any nomination or voting paper or otherwise in connection with an election shall be determined by the Returning Officer whose decision is final.

If the Returning Officer is satisfied that the election was conducted substantially in accordance with the voting procedure, no election shall be invalid by reason of:

- any mis-description or non-compliance with the provisions of this procedure
- any miscount
- the non-delivery, loss or miscarriage in the course of post of any document

2.13

Unfilled Vacancies

Where the number of members elected is less than the number vacancies because no candidates or an insufficient number of eligible candidates have been nominated, the Committee may choose to fill the vacancy in accordance with point 1.3.

2.14

Saving Provisions

No election shall be invalid by reason of any mis-description or non-compliance with the provisions of this scheme or by reason of any miscount or of the non-delivery, loss or miscarriage in the course of post of any document required or authorised by this Constitution to be despatched by post if the Returning Officer is satisfied that the election was conducted substantially in accordance with the provisions of this Constitution

3. MEETINGS

3.1

First Meeting

The Returning Officer shall give not less than seven days clear notice to the Members of the Committee of the time and place of the first meeting. The Secretary shall inform the electors of the identity of each of the Committee Members

3.2

Quorum

A quorum shall be one third of the Elected Committee Members but if one third is not a whole number the next whole number above one third

3.3

Voting

All Members of the Committee with the exception of lay co-optees, are entitled to vote on issues within the committee.

3.4

Observers

The Committee may in its absolute discretion invite such persons as it thinks fit to attend the whole or any part of any Committee meeting

3.5

In Camera

The Committee may require all or any of the invited observers to withdraw from any meeting if it wishes to consider any business in camera

3.6
Vice-Chairman The Committee shall elect a Vice-Chairman from amongst its number. If for any part of any meeting neither the Chairman or the Vice-Chairman be present the Committee shall elect another of their number to act as the presiding officer for the duration of that meeting

3.7
Treasurer The Committee shall elect a Treasurer from amongst its number

3.8
Secretary In the absence of there being an Appointed Secretary, the Committee shall, from time to time and for such period and upon such terms as they may determine, elect from amongst their member a person to act as Secretary

3.9
Minutes The Secretary on behalf of the Committee shall keep minutes of each meeting which shall be drawn up and submitted for agreement at the next meeting of the Committee where, if agreed, they shall be signed by the person presiding over it

4. SUB-COMMITTEES

4.1
Other The Committee shall have power from time to time to delegate any of their functions, with or without restrictions or conditions, to other Sub-committees composed of members of the Committee

4.2
Disclosure of Interest The provisions of paragraph 10 of this Constitution shall apply to Sub-committees as it applies to the Committee

5. ANNUAL REPORT AND ANNUAL GENERAL MEETING

5.1
Annual Report In each year the Committee shall prepare a report of their proceedings since the publication of the proceeding report together with a statement of accounts and such report and statement shall be circulated to those whose names who are listed in the Registers with the notice of the AGM and shall be presented to the Annual General Meeting.

5.2
Annual General Meeting Each year, the Committee shall hold an Annual General Meeting of all electors, who shall be given not less than ten days' notice of the meeting.

6. GENERAL and EXTRAORDINARY MEETINGS

6.1
Frequency Not less than once in every year the Committee shall convene a meeting of the Represented Members

6.2
Attendance In addition to the Represented Members the following persons shall have the right to attend:-

- any Committee Member
- the Secretary

- such other persons as the Committee may in their absolute discretion determine

6.3
Disqualification

A Represented Member who otherwise would be entitled to attend any General Meeting of the Committee or any Extraordinary Meeting of the Committee shall be disqualified from doing so in the circumstances set out in clauses 1.7.1 to 1.7.5. and 1.8 as if those clauses applied to Represented Members as well as to Members of the Committee

6.4
Business at General Meetings

The following business may be transacted at a General Meeting-

- the receipt and consideration of the Annual Report
- together with such other business of which 14 days notice has been given to the Committee and which the Committee in its absolute discretion accept as appropriate for discussion

6.5
Extraordinary Meetings

Upon the written request of no less than 20 Represented Members who are not disqualified, or at the instigation of the majority of Officers, the Committee shall convene an Extraordinary Meeting on not less than 21 and not more than 28 days notice. The only business that may be transacted at such a meeting is that specified in the written request to the Committee a copy of which shall be circulated to all those who receive notice of the meeting.

7. FUNDING

7.1
The Local Levy

The administrative expenses of the Committee may be collected on a statutory basis from all Represented Members whose names appear on Registers A and B

7.2
The National Levy

The Committee may raise an additional National Levy from Represented Members whose names appear on Registers A and B to cover its other expenses

7.3
Collection

The method of collection of the Local Levy and the National Levy shall be determined from time to time by the Committee

7.4
Amount

The amounts of Local Levy and the National Levy shall respectively be determined by the Committee having regard to the requirements of openness, transparency and equity and upon an estimation of the proportion of administrative and other expenses attributable to each class of Represented Member

7.5
Accounting

The Committee shall maintain separate accounts for the Local Levy and the National Levy. The accounts for the Local Levy must clearly identify the statutory element paid by practitioners respectively on Registers A and B

8. NOTICES

Where a document is required to be sent to an elector it shall be deemed to have been duly sent if it was delivered or posted to the address of the elector shown respectively in one of the Registers

9. DISCLOSURE OF INTEREST

If an Officer of the Committee or a Committee Member has a pecuniary interest, direct or indirect, in any contract proposed contract or other matter and is present at a meeting of the Committee when the contract, proposed contract, or other matter is the subject for consideration he or she shall at the meeting and as soon as practicable after its commencement disclose that fact and shall not take any part in the consideration of the contract, proposed contract or other matter or vote on any question with respect to it

If any Officer of the Committee or a Committee Member has any doubts about whether or not he or she has such an interest he shall report the matter to the Chairman who shall advise as to whether or not the matter should be declared

10. AMENDMENTS TO CONSTITUTION

This Constitution may be amended in the following manner

10.1 a proposal for the amendment made by not less than 20 Represented Members shall be sent to the Secretary who shall place the same before the Committee for consideration on a date not less than 30 days after the same was circulated to the Committee

10.2 after the proposals have been considered the Secretary, if requested to do so by the Committee or if required to do so by no less than two thirds of the electors, the Secretary shall circulate any proposed amendment together with its view thereon to all the Represented Members inviting the same to submit to the Secretary their comments within 14 days

10.3 at a further meeting the Committee shall consider all replies that have been received as a result of the consultation process and shall determine whether the proposed amendment (either as circulated or as varied as the result of the consideration of such replies) shall be adopted.

10.4 if such approval is granted, the Secretary shall notify the Committee at its next following meeting and thereupon the amendment shall take effect immediately. At the same time the Secretary shall notify the proposer of the original amendment and a report of the amendment shall be included in the next following Annual Report

11. WINDING UP

If upon any amalgamation or reorganisation of the Committee there remain any residual funds or liabilities the same shall be distributed between such other Committees as may be involved in the amalgamation or reorganisation so as equitably to reflect the proportions in which Represented Members are transferred to other Committees