

**CONSTITUTION OF
THE LEEDS LOCAL MEDICAL COMMITTEE
November 2023**

Established May 1949

1. PREAMBLE

This document sets out the Constitution of the Leeds Local Medical Committee (the 'Committee') for the area of the city of Leeds, West Yorkshire.

For as long as the Committee is recognised by NHS West Yorkshire Integrated Care Board (ICB) as being representative of the practitioners in an area, this Constitution shall not be rendered invalid by any changes to the structures and boundaries of the NHS.

2. RECOGNITION

In accordance with paragraph 97 of the Act (as amended by paragraph 13, Part 1, schedule 3 of the Health & Care Act 2022 and any subsequent amendments) NHS West Yorkshire Integrated Care Board formally recognises the Committee formed for its area as representing the general medical practitioners (GPs) in its area.

3. FUNCTIONS

For the avoidance of doubt, the Committee shall represent all general practitioners (GPs) in any given relevant capacity in the area. This shall include GPs in their capacity as members of any organisation providing primary medical services, any commissioning body or members of a governing body of the Integrated Care Board (ICB).

4. INTERPRETATION

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

- the singular number shall include the plural number and vice versa; and
- 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.

5. DEFINITIONS

Act	The National Health Service Act 2006.
Area	The city of Leeds, West Yorkshire
BMA	The British Medical Association.
Committee	The Leeds Local Medical Committee (LMC) recognised by West Yorkshire ICB (or any successor organisation) as formed within the Area and representative of all GPs, as defined in section 91 of the Act and subsequent amendments, performing primary medical services in the area for which the Committee was formed.

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	The General Practitioners Committee of the BMA.
GPC voting register	A list of represented GPs (including medically qualified LMC officers) who are eligible to stand, vote or nominate another Represented GP or another qualifying practitioner as a GPC regional representative.
Medical register	The list of registered medical practitioners compiled and held by the General Medical Council.
Member	A person elected or co-opted onto the Committee in accordance with the provisions of this Constitution.
NHS England	The national body which leads the NHS in England.
Officers of the Committee	Chair, Vice Chair, Medical Secretary, Assistant Medical Secretary, Treasurer and Liaison.
Performers lists	The lists maintained by NHS England of medical practitioners providing primary medical services (as defined in section 91(3) of the Act).
Primary Care Network	A group of practices and others delivering the Primary Care Network Directed Enhanced Service
Register	The combined register of represented GPs and committee members which shall be maintained in several parts as necessary for administrative purposes.
Represented GPs	All GPs, including those GPs sitting on a governing body of an Integrated Care Board or a GP sitting in his capacity as an Integrated Care Board member, as defined in section 91 of the Act, performing primary medical services in the area for which the Committee was formed.
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.
Secretary	A person elected by the Committee to act as its Secretary
West Yorkshire Integrated Care Board	The body corporate known as West Yorkshire Integrated Care Board established in accordance with chapter A3 of Part 2 of the Health and Social Care Act 2022.

6. THE COMMITTEE

6.1 The committee shall consist of:

(a) Elected members

A total of 24 represented members who subject to the next following paragraph and to the disqualification provisions in clauses 6.7.1 to 6.7.7 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 6.3.

- 21 city-wide GP members, elected from the entire city covered by the ICB Leeds area
- One practice manager representative working within the ICB Leeds area:
- One practice health professional (not GP) representative working within the ICB Leeds area; and
- One PCN allied healthcare professional representative working within the ICB Leeds area.

An elected member’s eligibility to stand for election shall in addition to the disqualification provisions in clauses 6.7.1 to 6.7.7 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.

(b) Co-opted members

Up to 9 members, agreed by the Committee, comprising:

- One doctor, to represent the ICB Leeds office
- One representative from the local authority, Public health
- One doctor from the Leeds and York Partnership NHS Foundation Trust or its successor;
- One doctor from the Leeds Teaching Hospitals Trust;
- One doctor to represent Leeds Community Healthcare
- One doctor from academic general practice;
- One representative of the GP Registrars working in the ICB Leeds area;
- Two other members whether they are medically qualified or not, representing a particular class of experience not otherwise represented on the Committee

(c) Observers

The Committee may in its absolute discretion invite such persons as it thinks fit to attend the whole or part of any Committee meeting; observers will not have voting rights.

(d) Constituency boundaries

City wide boundary

For the purpose of electing city-wide members of the Committee, the constituency is the area served by the ICB Leeds office.

6.2 Term of office

The elected members of the Committee shall hold office for 3 years.

6.3 Vacancies

Where the number of persons elected under paragraph 6.1(a) and (b) 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
- temporary absence (30 consecutive days or more) due to sickness or other similar circumstance (including maternity, adoption or paternity leave), or
- on the appointment of an elected member to the office of secretary.

Within three months of such a vacancy occurring, the Committee shall 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 they are co-opted would have been entitled to hold office.

6.4 Election of officers

At the first meeting of the new Committee every 3 years (April), members of the Committee shall elect the following officers, all of whom shall be general practitioners, to serve for a term of three years:-

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

Officers shall be nominated and seconded by members of the Committee

6.5 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 their place; and the name of the person so nominated shall be notified to the electors.

6.6 Retirement

A member of the Committee whether elected or co-opted may retire on giving written notice delivered to the Medical Secretary or 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 Medical Secretary or secretary.

6.7 Disqualification

A member of the Committee shall be disqualified if:

- 6.7.1 They cease to be a registered medical practitioner or is removed from the Medical Register.

- 6.7.2 They cease to perform general medical services under any primary medical services contract under the Act, or being a performer of such services, whose name appears in the Register, either advises NHS England that they no longer wishes to be represented by the Committee.
- 6.7.3 They have had their name removed from a performers list and has not subsequently had their name included in such a list.
- 6.7.4 If within one month of receiving a due call, they fail to pay to the Committee any current local or national levy due to the Committee together with any arrears that may be outstanding.
- 6.7.5 They fail to disclose a pecuniary or other significant interest in a matter which is the subject of consideration at a meeting of the Committee and takes part in the consideration or discussion of that matter or votes on any question with respect to that matter or acts in any way contrary to the anti-conflict policy adopted from time to time by the Committee.
- 6.7.6 They fail 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 they cease to hold the office or qualification which entitled them to be a member of the class of co-opted members.

7 ELECTIONS

7.1 Appointment of Returning Officer

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

7.2 Timing of elections

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

7.3 Election process – sequence of events

Existing committee members whose term of office is coming to an end will be notified and the LMC will remind them that they can apply for re-election. City-wide elections will then be enacted.

7.4 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.

7.5 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.

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.

7.6.1 Method

Voting to elect committee members shall be by email or post, by means of the “First-past-the-post” (FPTP) electoral system, of those qualified represented members whose names appear in the Registers 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 they are disqualified under the provisions of paragraphs 6.7.1 to 6.7.7 and as to the provisions of paragraph 7.7 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 the Registers
- 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 they are 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. 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 their vote, save that the Returning Officer may in their 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 their 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.

7.7 Nominations

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, they are prepared to accept office.

7.8.1 Election process

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 an email or postal ballot, using the FPTP electoral 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 email or postal ballot using the FPTP electoral system, shall determine which of the candidates is/are elected.

7.9 Voting rules

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 their vote under the FPTP electoral 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 150 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 FPTP electoral 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)

7.10 Returning Officer duties

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

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

7.11 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 to the elector's address or email address.

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.

7.12 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 6.3.

7.13 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.

8 ROLE OF THE COMMITTEE IN RELATION TO ICB

One doctor will be invited to represent the ICB in Leeds and officers of the committee will meet with representatives of the ICB as and when required.

A committee member or officer may hold Office on a ICB Board and this would not disqualify them from committee membership.

9 MEETINGS

9.1 The Committee will meet from time to time as the need dictates.

The Chair of the LMC shall give not less than 7 clear days notice to the Members of the Committee of the time and place of each meeting.

It shall be the duty of the Committee to inform the represented GPs of the identity of its members and the Committee shall at its first meeting decide by what means this shall be done and shall give the appropriate instruction for the decision to be implemented.

9.2 Chair and Vice Chair

The Chair of the Committee shall chair meetings of the Committee. In the absence of the Chair, the Vice Chair of the Committee shall act as Chair.

9.3 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.

9.4 Voting

Only elected GP members of the Committee may vote at Committee meetings.

9.5 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.

9.6 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.

9.7 Minutes

The Chair 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.

10. ANNUAL REPORT AND ANNUAL GENERAL MEETING

10.1 Annual report

In each year the Committee shall prepare a report of their proceedings since the publication of the preceding report together with a statement of accounts and such report and statement shall be circulated to those whose names are listed in the Register not later than three months after the Committee shall have approved the same. A copy of the report and statement of accounts shall be put on the Leeds LMC website.

10.2 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.

11. GENERAL AND EXTRAORDINARY MEETINGS

11.1 Frequency

Not less than once in every year, the Committee shall convene a meeting of the represented members.

11.2 Attendance

In addition to the represented GPs the following persons shall have the right to attend:

- any committee member;
- the Medical Secretary or the secretary; and
- such other persons as the Committee may in their absolute discretion determine.

11.3 Disqualification

A represented GP 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 the disqualification section above as if those provisions applied to represented GPs as well as to members of the Committee.

11.4 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.

11.5 Extraordinary meetings

Upon the written request of not less than 30 represented GPs who are not disqualified, 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.

12 FUNDING

12.1 Amount

The amounts of local levy and the national levy shall respectively be determined by the LMC officers 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 GP.

12.2 Accounting

The Committee shall maintain separate accounts for the local levy and the national levy. The accounts for the statutory levy must clearly identify the statutory element paid by practitioners respectively on the register.

13. NOTICES

Where a document is required to be sent to a represented GP it shall be deemed to have been duly sent if it was delivered or posted or emailed to the address of the represented GP shown in the register.

14. DISCLOSURE OF INTEREST

14.1 If an officer of the Committee or committee member sits on or works for any stakeholder or relevant organisation or has a pecuniary or other significant interest, direct or indirect, in any contract, proposed contract, stakeholder or relevant organisation or other matter and is present at a meeting of the Committee [or subcommittee] when the contract, proposed contract, or other matter is the subject for consideration they shall at the meeting and as soon as practicable after its commencement disclose that fact.

14.2 If an officer of the Committee or a committee member has any doubts whether or not they have such an interest they shall report the matter to the chair who shall advise as to whether or not the matter should be declared.

14.3 The Committee shall publish and maintain a conflicts of interest's policy, a document which shall be available for inspection to members and represented GPs.

15. 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 GPs are transferred to other committees.

Accepted and ratified by the LMC committee members November 2023.