

Sefton Local Medical Committee

Constitution



General

1. In the following Constitution, unless the context otherwise requires:

“The Primary Care Organisation” means the NHS England Mersey Local Area Team (LAT) and any successors of this organisation.

“The Committee” means the Local Medical Committee formed for the representation of GP’s in the areas defined by the operational boundaries of the South Sefton and Southport and Formby Clinical Commissioning Groups (CCG’s) which are within the administrative boundary of the NHS England Mersey LAT or any succeeding organisations.

“The Secretary of State” means the Secretary of State for Health.

Title

2. The Committee shall be known as the “Sefton Local Medical Committee”.

Persons Eligible for Membership

3. (i) All the members of the Committee shall be registered General Medical Practitioners who provide Primary Care Medical Services within the area of Southport and Formby and South Sefton having paid a statutory and voluntary levy or special levy for Sessional GPs as determined from time to time by the Committee.

(ii) Any member of the Committee shall be eligible for re-election or re-appointment.

Constitution of Committee

4. The Committee shall consist of:
 - (i) Subject to variation, as mentioned in paragraph 5 (ii) hereof eligible practitioners who have been elected in accordance with paragraphs 6 to 20 hereof, or appointed in accordance with paragraph 23 hereof.
 - (ii) Such number of practitioners as may be co-opted members of the Committee in accordance with paragraph 28.
5. (i) The area of the Committee shall be divided into constituencies as set out in Schedule 1. The area of each constituency and the number of persons to be elected under paragraph 4(i) by each constituency (subject to the next succeeding sub-paragraph) shall be as set out in columns (1) and (2) of the schedule of this Constitution.

(ii) In the month of February each year in which an election is to be held under paragraph 5 (i) hereof, the Committee shall consider the number of members to be elected in each constituency under the last preceding sub-paragraph in relation to the number of practitioners on the list entitled to vote in such constituency on the 1st January of such year and they shall have power to modify the figures in column (3) of the said Schedule so as to ensure that the number of persons elected by each constituency is (as nearly as may be) related to the number of practitioners on the list entitled to vote in such constituency.

Method of Election

6. The Returning Officer shall be a person, other than an elector, as defined below in Paragraph 9, appointed by the Committee for the purpose, and in the event of his/her absence or inability to act, he/she shall appoint some person, other than an elector to act in his/her place.
7. Except for the election of the first Committee under this Constitution, the election of the Committee shall take place during the same month in every third year.
8. Voting shall be by postal ballot. Ballot papers should both be sent out and returned by post.
9. (a) The Returning Officer shall prepare a list of the persons entitled to vote, and their addresses, and such list shall include all those known to the Returning Officer to have been eligible practitioners on the list on the first day of January of the year in which the election takes place and the persons whose names are on such list in this Constitution referred to as "the electors".

(b) The said list of electors shall also show in respect of every person whose name appears thereon, that he/she is an eligible practitioner on the list and the constituency in which he/she is entitled to vote which shall (subject to the next succeeding sub-paragraph) be governed by his/her practice address on the electoral roll.

(c) It shall be the responsibility of each practitioner on the list to ensure that his/her name is included in the said list of electors. And if a practitioner desires to vote in a constituency, other than that appropriate to his/her address on the electoral roll, he/she shall make application to the Returning Officer who shall alter the said list of electors accordingly if he/she is satisfied that the practitioner carries on practice in the constituency in which he/she desires to vote.

Practitioners who provide Primary Care Medical services in more than one Primary Care Organisation area may vote and/or stand for election in one area only which shall be the area of the main practice site.

(d) Only those persons whose names appear on the said list of electors shall be entitled to vote for candidates for election under paragraph 4 (i).
10. The Returning Officer shall send written notice of the election to each voter, and such notice shall be sent so as to be delivered to the elector not less than fourteen (14) clear days before the date of the election.

Such notice shall:

- (a) State the date of the election
- (b) State the constituency in which the elector is entitled to vote
- (c) State the date by which nominations for election must be submitted to the Returning Officer
- (d) Enclose a nomination form.

11. Every candidate for election shall be nominated by at least two electors who shall be entitled to vote as eligible practitioners on the list in the constituency for which such candidate is nominated and every nomination form must be accompanied by a statement in writing, signed by the candidate that, if elected, he/she is prepared to accept office. A candidate nominated for election shall be a person entitled to vote in the constituency for which he/she is nominated.

12. If the number of nominated candidates qualified for election in accordance with paragraph 4 (i) of this Constitution does not exceed the number of vacancies (being vacancies in the constituency for which they are nominated) the Returning Officer shall declare those candidates to be elected; and for the purpose of filling any vacancy or vacancies in respect of which more than the corresponding number of duly qualified candidates is nominated, a vote shall be taken in the manner hereinafter provided.

13. Each elector shall be entitled to cast a number of votes equal to the number of vacancies to be filled by those for whom he/she is entitled to vote (being vacancies in his/her constituency), but he/she may not cast more than one vote for any one candidate.

14. Voting shall be in accordance with the following rules:

(a) Separate voting papers shall be prepared by the Returning Officer containing the names of the duly nominated candidates and the constituencies for which they have been nominated.

(b) Each voting paper shall contain:

(i) a statement of the number and identity of the candidates, including contractual status, for whom the elector may validly vote and

(ii) a statement that the same must be returned to the Returning Officer so as to reach him by the date of the election (which shall be specified on voting papers and shall be not more than fourteen days after the issue of such papers).

(c) A voting paper shall be invalid if:

(i) the elector has attempted to cast more votes than is permitted under paragraph 13.

(ii) it is not signed

- (iii) in any other respect it does not comply with this Constitution or is marked in such a manner as to cause uncertainty as to the candidates for whom the elector desires to record his/her vote, provided that the Returning Officer may, if he/she thinks fit, treat a voting paper so marked as valid for the purpose of any vote other than that in connection with which the uncertainty arises.
 - (iv) it is received by the Returning Officer after the date of the election.
15. The Returning Officer shall examine the voting papers received on or before the date of the election and after rejecting any that are invalid shall count the votes recorded on the remaining papers and shall prepare a return of the candidates according to the number of votes which each has received, the persons receiving the greatest number of votes being placed highest on the Return. The Returning Officer should also keep safe all voting papers until the date specified for counting and the Returning Officer should not examine voting papers until that date.
 16. If the votes received by any two or more candidates are equal and the addition of one vote to any one of such candidates would enable that candidate to be declared elected, the returning Officer shall decide by lot (from the hat) which of the candidates shall take the highest place.
 17. Any questions as to the validity of any nominations or voting paper or otherwise in connection with an election, shall be determined by the Returning Officer.
 18. The Returning Officer shall forthwith give notice in writing of the result of the elections to all candidates.
 19. Where any document is, under this Constitution, required to be sent to a practitioner, it shall be deemed to have been duly sent if it has been delivered or posted, direct to the address of the elector on the list of electors prepared in accordance with paragraph 9.
 20. No election shall be invalid by reason of any mis-description or non-compliance with the provisions of this Constitution, 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.

First Meeting of Committee

21. The Returning Officer shall give not less than seven clear days' notice to the members of the Committee of the time and place of the first meeting.
22. It shall be the duty of the Committee to inform the electors 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 instructions for their decision to be implemented.

Unfilled Vacancies

23. Where the number of persons elected under paragraphs 4(i) is less than the number of persons mentioned in that paragraph by reason that no or insufficient qualified candidates have been nominated, the Committee may, within three months after its constitution, appoint duly qualified persons to fill the vacancies.

Members appointed under this paragraph shall be entitled to vote at meetings of the Committee

Appointment of Officers

24. (a) Appointment of Chairman

The Committee shall elect a Chairman from amongst its number. For such part of any meeting that the Chairman be not present the Chair shall be taken by the Vice Chairman if one is elected.

(b) Appointment of Secretary

The Committee shall appoint a person to act as Secretary to the Committee, and in the event of the death, resignation or removal from office of the Secretary so appointed, the Committee shall appoint a person to act as Secretary in his/her place, and any person appointed Secretary shall forthwith notify his/her appointment to the Secretary of State. If the person appointed as Secretary is not a registered medical practitioner, the Committee shall nominate one of its members who is in general practice and who is willing so to act to be available to offer help and advice on matters on which any elector may particularly wish for the guidance of a professional colleague and the name of the person so nominated shall be notified to the electors in the same manner as is prescribed in paragraph 22 hereof.

(c) Appointment of Vice Chairman

The Committee may elect a Vice Chairman from amongst its number. If for any part of any meeting neither the Chairman nor 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.

(d) Appointment of Treasurer

The Committee may elect a Treasurer from amongst its number.

Quorum

25. One third of the number of voting members of the Committee, or if one third is not a whole number, the next whole number above one-third shall form a quorum of the Committee.

Voting

26. Only Elected Members and Members appointed under the provisions of paragraph 23 and 30.i may vote at meetings. An appointed Secretary may not vote. If at any Committee meeting there is an equal number of votes for competing motions then the presiding Chairman of that meeting shall have a second and casting vote.

Standing Orders

27. The Committee shall devise from time to time standing orders for the conduct of meetings and other matters.

Retirement, Exclusion, Disqualification of Members

28. a) A member of the Committee shall cease to be a member, thereby creating a casual vacancy, if:
- i) Having been qualified for election under paragraph 4 (i) he/she ceases to be a practitioner on a Performers List and or loses entitlement to vote in the constituency for which he/she was elected.
 - ii) Having been appointed to the Committee under paragraph 23 or 30.i he/she ceases to be a practitioner on a performers list or ceases General Practice in the Constituency from which he she was appointed
 - iii) He/she has been absent from 4 (four) consecutive meetings of the Committee unless the Committee, being satisfied that his/her absence was due to illness or other reasonable cause, resolve that he/she shall continue to be a member of the Committee.
 - iv) He/she resigns his/her office by notice in writing signed by him and delivered to the Secretary of the Committee which shall take effect immediately.
 - v) He/she fails to disclose a pecuniary interest in a matter which is the subject of consideration at a meeting of the committee or one of its sub-committees and takes part in the consideration of discussion of that matter or vote on any question with respect of that matter.
 - vi) He/she ceases to pay the statutory levy and/or voluntary levy from time-to-time collected or the levy payable by Sessional GP's.
- b) If any Committee Member's registration with the General Medical Council is suspended he/she shall be disqualified from the Committee for the remainder of the period for which he/she was elected/appointed. He /she shall be entitled to stand afresh in the next following election if the suspension has ended prior to the date when the Returning Officer sends written notice of election to each elector.
- c) i) If any member should for any reason become indebted or in dispute with the Committee over payment of levies, expenses claims made, or any sum owed to the Committee then the Committee may exclude the member concerned from membership pending the restoration of the Member to good standing with the Committee.
- ii) A member may be excluded from the Committee if he/she becomes culpable of unreasonable and immoral behaviour or criminal offence, in respect of which the continued participation of the member would injure the reputation of the Committee and or diminish its ability to effectively represent its constituents. An exclusion under this sub clause shall be for the duration of the remaining term of the LMC.

A motion to exclude a member in these circumstances may be put at any quorate meeting of the Committee and must be seconded, debated and voted. In the event that the member concerned is Chairman the Vice Chairman will determine acceptance of a motion to exclude and preside at over the debate, and vote.

Co-option

29. The Committee may co-opt to the Committee, in addition to the members of the Committee, any person who it is felt may assist the business of the Committee. Such co-option shall be for the period determined by the full Committee in each case.

Method of Filling Casual Vacancies

30. (i) Where by reason of the resignation, death or disqualification of a member of the Committee elected under paragraph 4(i) such casual vacancy in the membership of the Committee occurs, the Committee may, within three months after its occurrence fill the vacancy by the appointment of an eligible practitioner on the list. The person appointed by the Committee to fill such a casual vacancy shall be a person entitled to vote in the same constituency as the member of the Committee whom he/she replaces.

(ii) Pending any such appointment, the proceedings of the Committee shall not be invalidated by reason of a vacancy.

(iii) A person so appointed shall hold office for the remainder of the period for which the member in whose place he/she is appointed would have been entitled to hold office.

Information to be sent to Primary Care Organisation

31. The Secretary to the Committee shall, as soon as may be, inform the Primary Care Organisation of the names and addresses of all newly elected and/or co-opted members of the Committee, and of any casual vacancies in the membership of the Committee which may, from time to time occur, and of the names and addresses of the persons, if any, appointed to fill those vacancies.

Annual Report

32. The Committee shall prepare in each year, a report of their proceedings since the publication of the last report, together with a statement of accounts, and this report and statement of accounts shall be circulated to those on the list of electors not later than three months after the Committee shall have approved same.

Amendment of Constitution

33. This Constitution may be amended in the following manner, but not otherwise:

(i) Proposals for such amendment shall be sent to the Secretary of the Committee who shall place them before the Committee for consideration at the earliest opportunity but the Committee will not consider the same until at least 14 (fourteen) clear days' notice of such proposals shall have been received by the members of the Committee. After such proposals have been considered by the Committee:

(ii) The Committee may at its next meeting after 14 (fourteen) days have elapsed; decide by a two-thirds (2/3^{rds}) majority of the members present at a quorate meeting, whether the amendment should be adopted. The Committee shall not make a decision at this meeting if a motion is supported by two-thirds (2/3^{rds}) of the members at the meeting or 10% of the electors requesting that the amendment be circulated to all eligible Practitioner's for consideration in which case the Secretary shall embody in a letter and circulate to all eligible practitioners whose comments and observations should be received by the Secretary not later than 14 (fourteen) days after the date of dispatch of such a letter.

(iii) If a proposed amendment(s) has been circulated for the comment and observation of all eligible Practitioners in accordance with Paragraph 32(ii) then not later than four months after the date of the despatch of such letters, the Committee shall meet and decide whether the said proposed amendment (either as circulated in such a letter or as varied as the result of the consideration of any replies) shall be adopted. If the amendment is adopted by 2/3rds of the quorate meeting then thereupon such amendment shall take effect after seeking the approval of the Secretary of State to such amendment by the Secretary of the Committee.

(iv) The Secretary shall notify in writing to the proposer the decision of the Committee on any amendment which is being proposed, determined under Paragraphs 33(ii) and 33 (iii).

Disclosure of Interest

34. 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/she shall at that meeting, and as soon as practicable after its commencement, disclose the 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/she has such an interest, he/she shall report the matter to the Chairman who shall advise as to whether or not the matter should be declared.

Conflict of Interest and Disputes Resolution

35. A member of the Committee who is at the same time a member of a Clinical Commissioning Group (CCG) Governing Body shall ensure that there is no conflict or compromise of functions by taking no part in any direct or indirect representations or negotiations with that CCG in respect of any matter in which he/she has been involved or associated as a member of a CCG.

36. An Executive Officer of the Committee shall not be a member of the Governing Body of the Southport and Formby and/or the South Sefton Clinical Commissioning Groups.

37. All disputes and complaints arising between the committee and any member(s), between the Committee and any of its constituent GPs or between any individual members of the committee shall be dealt with by means of the dispute and complaints resolution process set out in the Committee's Standing Orders.

APPENDIX

The Schedule referred to in paragraph 5.

Constituency (1)	Number of eligible Practitioners at 1st January 2013 (2)	Number of Persons to be elected (3)
Southport & Formby district	60	6
South Sefton district	80	8

The number of practitioners to be elected for each constituency shall be determined by dividing the number of practitioners in that district by ten, any fraction being regarded as the next whole number.

JC/seh.2013