

**SOUTH
STAFFORDSHIRE
LOCAL MEDICAL
COMMITTEE

CONSTITUTION**

CONSTITUTION OF THE SOUTH STAFFORDSHIRE LOCAL MEDICAL COMMITTEE

TITLE

The committee shall be known as The South Staffordshire Local Medical Committee

TERMS OF REFERENCE

The Committee will represent all NHS medical practitioners within the boundaries of South Staffordshire. There shall be two Sub-committees of the main committee which shall be responsible to the main committee and responsible for local matters in:

- a. Constituencies 1, 2 and 3 called South West
- b. Constituencies 4, 5 and 6 called South East

The schedule of constituencies is on page 13

The remit and duties of the committee shall be:

1. To provide authoritative advice on all matters relevant to general practice in the area.
2. To maintain a continuing and appropriate relationship with the Strategic Health Authority and its executives, and advise them on all matters relevant to general practice.
3. To maintain continuing and appropriate relationships with the Primary Care Trust and their executives and advise them on all matters relevant to general practice.
4. To liaise, advise and consult with those other bodies relevant to the interests of primary care in the region.
5. To maintain close liaison with University, academic and other educational establishments as appropriate.
6. To consult, advise and co-ordinate activities between various interest groups in the area and co-ordinate responses to Primary Care Trust and Strategic Health Authority initiatives pertaining to primary care.
7. To nominate suitably experienced general practitioners to membership of working parties and advisory groups concerned with health care.

Interpretation

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

- The male gender shall be deemed to include the female gender
- The singular number shall include the plural number

- 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 thereunder for the time being in force
- References to PCT shall include references to the 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 secretary and where the context so requires the words “appointed” and “appointment” shall be construed accordingly.
Area	The area covered by South Staffordshire PCT.
Authority	The Strategic Health Authority (or official title if different).
Trust	The relevant Primary Care Trust (PCT).
Committee	A committee recognised by the PCT as formed for the combined area of South Staffordshire 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 in the area for which the Committee is formed (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 PCTs that he wishes to be represented by the Committee (and has not notified it that he 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.
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 list	The list maintained by the PCT of medical practitioners providing and/or performing primary medical services in the area.
Officers of the committee	The chairman, the vice chairman, the treasurer and the 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 and their addresses who provide primary medical services in the area under a general medical services contract.</p> <p>Register B. A list of other medical practitioners performing primary medical services and their addresses in the area (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 wishes to be represented by the Committee (and has not notified it that he wishes to cease to be so represented) together with their addresses.</p> <p>Register C. Elected committee members.</p> <p>Register D. Co-opted committee members.</p>
Represented member	<p>Being one of:</p> <ol style="list-style-type: none"> 1. A medical practitioner 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 in the area for which the Committee is formed (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 wishes to be represented by the Committee (and has not notified it that he wishes to cease to be so represented).
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 3.9 or appointed under clause 7.1 by the committee to act as its secretary.

1. THE COMMITTEE

11. Membership

The committee shall consist of:

1.1.1 Elected Members

Eighteen represented members elected in accordance with the provisions of this constitution, and the expression "elected members" shall where the context so requires include those persons co-opted to fill a vacancy in accordance with clause 1.4.

1.1.2 Co-opted members

The committee may appoint in addition to the members of the committee any duly qualified members to a number not exceeding three. Consideration will be given to co-opting a GP Trainee.

1.3 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.

1.4 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 duly qualified persons to fill the vacancies.

A casual vacancy will occur on

- The resignation, suspension from or removal from the Performers List or death of an elected member of the committee
- 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 or interest 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.

1.5. 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.

1.6. Disqualification

A member of the committee shall be disqualified if:

- 1.6.1. he ceases to be a registered medical practitioner or 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 Practice 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 Practice Panel), or section 38 (1) (power to order immediate suspension etc) of that Act.
- 1.6.2. he ceases to provide general medical services under a general medical services contract, or being a performer of such services whose name appears in Register B either advises the PCTs that he 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
- 1.6.3. he has had his name removed from a Performers List and has not subsequently had his name included in such a list
- 1.6.4. if within one month of receiving a due call he fails to pay to the Committee any current Statutory or Voluntary Levy due to the Committee together with any arrears that may be outstanding
- 1.6.5. he 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 subcommittees and takes part in the consideration or discussion of that matter or votes on any question with respect to that matter
- 1.6.6. he fails to attend a meeting of the Committee for a period of three meetings unless the members 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 is considered reasonable.

A co-opted member of the committee shall be disqualified if he ceases to hold the office or qualification which entitled him 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 shall not be entitled to resume his membership of the committee for the remainder of the period for which he was originally appointed but he 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.

1.7 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 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.

2.2. Term of office

Elected members shall hold office for a term of four years save that after the first election of a new committee one half (to be determined by lot) shall hold office for two years.

2.3. Frequency

Save as provided in the case of a new committee the election of one half of the committee shall take place in the same month in every second year and elected members shall commence their term of office on the next following 1 April.

2.4. Method

Voting shall be by postal ballot 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 the persons 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 is disqualified under the provisions of paragraphs 1.6.1 to 1.6.6 including 1.7 and as to the provisions of paragraph 1.6.4 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 fourteen clear days before the date of the election.

Each notice shall

- State the date of the election
- The number of vacancies so as to ensure the fair and equitable representation respectively of practitioners on registers A and B
- 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 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 paper 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. 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 vote, save that the returning officer may in his 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 absolute discretion.

At the conclusion of the election the returning officer shall immediately give notice in writing of the result to all candidates as soon as is reasonably practicable.

2.5. Saving provisions

No election shall be invalid by reason of any misdescription 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 committee members but if one third is not a whole number the next whole number above one third.

3.3. Voting

Only elected members of the committee may vote at committee meetings. If at any committee meeting there is an equality of votes the presiding officer shall have a second and casting vote.

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. 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.

- 3.7. 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.
- 3.8. Treasurer
The committee shall elect a treasurer from amongst its number.
- 3.9. 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 members a person to act as secretary.
- 3.10. 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. SUBCOMMITTEES

- 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 subcommittees composed of members of the committee.
- 4.2 Disclosure of Interest
The provisions of paragraph 10 of this constitution shall apply to subcommittees as it applies to the committee.

5. 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 statutory/administrative levy accounts and such report and statement shall be circulated to those whose names who are listed in registers A and B not later than three months after the committee shall have approved the same. A copy of the report and statement of accounts shall be sent to the PCT.

6. GENERAL 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. Business

The following business may be transacted:

- The receipt and consideration of the annual report
- 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.

7. THE SECRETARY

7.1. Appointment

The committee shall either elect a secretary from amongst its number in accordance with clause 3.9 or shall from time to time and for such period and upon such terms as they may determine employ a person to act as an appointed secretary. On assuming office such secretary shall notify the PCT thereof. If an appointed secretary is not a medical practitioner the committee shall invite such a practitioner to act as a medical advisor and his name shall be notified to the represented members.

7.2. Functions

The secretary, whether elected or appointed, shall maintain the register of members and the GPC voting register and shall carry out such functions as the committee from time to time request.

8. FUNDING

8.1. The statutory 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.

8.2. The voluntary levy

The committee may raise an additional voluntary levy from represented members whose names appear on registers A and B to cover its other expenses.

8.3. Collection

The method of collection of the statutory levy and the voluntary levy shall be determined by the committee in conjunction with the PCT.

8.4. Amount

The amounts of the statutory levy and the voluntary 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.

11.3 At a further meeting the committee shall consider all replies that have been received 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 and if so that the approval of the PCT be sought

11.4 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.

12. 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 that may be involved in the amalgamation or reorganisation so as equitably to reflect the proportions in which represented members are transferred to other committees.

SCHEDULE OF CONSTITUENCIES

A – Number of Constituency

B – Area of Constituency

C – Number of persons to be elected by the constituency

A	B	C
1	Stone Urban District Stone Rural District Stafford Borough Stafford Rural District	4
2	Seisdon Rural District	2
3	Rugeley Urban District Cannock Urban District Cannock Rural District	4
4	Burton on Trent Tutbury Rural District Uttoxeter Urban District Uttoxeter Rural District	4
5	Lichfield City Lichfield Rural District Burntwood	2
6	Tamworth Borough	2