

**SOUTH
STAFFORDSHIRE
LOCAL MEDICAL
COMMITTEE**

CONSTITUTION

CONSTITUTION OF THE SOUTH STAFFORDSHIRE LOCAL MEDICAL COMMITTEE JUNE 2013

TITLE

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

PREAMBLE

This document sets out the Constitution of the South Staffordshire Local Medical Committee (the 'Committee') for the area of South Staffordshire.

For as long as the Committee is recognised by NHS England 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.

RECOGNITION

In accordance with paragraph 97 of the Act (as amended by paragraph 41, Part 4 of Schedule 4 of the Health and Social Care Act 2012 and any subsequent amendments), NHS England formally recognises the Committee formed for its area as representing the general medical practitioners (GPs) in its area.

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.

Save where the Committee shall otherwise determine the services provided by the Committee shall not be provided to practitioners who do not make a full contribution in accordance with this Constitution.

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 a clinical commissioning group (CCG) or members of a governing body of a clinical commissioning group.

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 Shropshire and Staffordshire Area Team NHS England and its executives, and advise them on all matters relevant to general practice.
3. To maintain continuing and appropriate relationships with the Clinical Commissioning Groups 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 CCGs and Area Team 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

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.
BMA	The British Medical Association.
Clinical Commissioning Group	The body corporate known as a Clinical Commissioning Group established in accordance with chapter 142 of Part 2 of the Health and Social Care Act 2012.
Committee	The South Staffordshire Local Medical Committee recognised by NHS England (or any successor organisation) as formed within the Area and representative of all GPs, as defined in section 91 of the Act, performing primary medical services in the area for which the Committee was formed.
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	The General Practitioner Committee of the BMA.
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.
Medical register	The list of registered medical practitioners compiled and held by the General Medical Council.
NHS England	The commissioning organisation, recognised by the Health and Social Care Act 2012 on behalf of the NHS, and responsible for commissioning primary care services from, and holding contracts with, GP practices or organisations providing primary medical services (including single handed GPs) or any successor organisation.
Performers list	The lists maintained by NHS England of medical practitioners providing primary medical services (as defined in section 91(3) of the Act).
Officers of the committee	The chairman, the vice chairman, the treasurer and the secretary.
Register of members	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 a clinical commissioning group or a GP sitting in his capacity as a clinical commissioning group 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 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 removed from the Medical Register.

1.6.2. He ceases 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 he no longer wishes to be represented by the Committee.

- 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 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.
- 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 considers reasonable.
- 1.6.7. 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.

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.

2.6. Information to be sent to the Commissioning Organisation

The secretary of the Committee shall inform NHS England of the names and addresses of all newly elected, appointed and/or co-opted members of the Committee, and, when casual vacancies arise in the membership of the Committee, of the names and addresses of the persons, if any, appointed to fill those vacancies.

3. MEETINGS

3.1.

The Committee will meet from time to time as the need dictates but no less frequently than once in any two month period.

The secretary of the LMC shall give not less than fourteen 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.

- 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 Area Team NHS England.
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.
- 6.4. 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.
- 6.5. Role of the Committee in relation to CCGs
The LMC will appoint from members those willing to act as observers on the Governing Bodies of CCGs and duly report back to the LMC.

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 Area Team 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. Amount

The amounts of 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 GP.

8.2. Accounting

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

9. 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 to the address of the represented GP shown in the register.

10. DISCLOSURE OF INTEREST

10.1.

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 he shall at the meeting and as soon as practicable after its commencement disclose that fact.

10.2.

If any officer of the Committee or a committee member has any doubts about whether or not he 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.

10.3. The Committee shall publish and maintain a conflicts of interests policy, a document which shall be available for inspection to members and represented GPs.

10.4. Further the Committee shall maintain a register of members' interests available for inspection on the Committee website.

11. AMENDMENTS TO CONSTITUTION

This constitution may be amended in the following manner:

11.1. 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 seven clear days notice of such proposals shall have been received by the members of the committee.

11.2. After such proposals have been considered by the committee, the secretary of the committee shall, if requested so to do by not less than two-thirds of the members of the committee or one third of electors, embody in a letter any proposed amendment of this scheme of which the committee has approved and circulate such letter to all practitioners on the electoral roll with an invitation to such practitioners to submit to the secretary their comments on such proposals within 14 days after the date of the dispatch of such letter.

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 Area Team 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.

11.5. Any amendment duly carried above of which NHS England shall signify their approval shall be notified by the chief executive to the Committee at the next meeting of the Committee and thereupon such amendment shall forthwith take effect.

11.6. The Secretary shall notify the proposer of any amendment duly carried of the decision of NHS England thereon forthwith upon the communication of such decision to the LMC.

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 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.

June 2013

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