

**CONSTITUTION OF THE  
NOTTINGHAMSHIRE LOCAL MEDICAL COMMITTEE**

**DEFINITIONS**

<b>Company</b>	Nottinghamshire Local Medical Committee Limited
<b>Committee Member</b>	A person elected or co-opted onto the Committee in accordance with the provisions of this constitution together with the Secretary who if an Appointed Secretary shall be a non-voting member
<b>Practitioner on the List</b>	A registered medical practitioner whose name is included in the medical performers list of the Primary Care Trusts
<b>Primary Medical Services</b>	Those medical services provided within the area which can only be provided by those doctors holding a PMETB certificate or its equivalent or those undertaking a formal programme of training for such a certificate
<b>The Primary Care Trusts</b>	Any or all of the following: the Bassetlaw Primary Care NHS Trust; the Nottingham City Primary Care NHS Trust; the Nottinghamshire County Teaching Primary Care NHS Trust
<b>The Committee</b>	Nottinghamshire Local Medical Committee recognised by the authority as formed for the area and representative of:  <ol style="list-style-type: none"><li><b>1. Medical practitioners providing general medical services, personal medical services or primary medical services</b></li> <li><b>2. Deputy medical practitioners in the Area and</b></li> <li><b>3. Section 28C Medical Practitioners in the Area</b></li></ol>
<b>Register of Members</b>	Is the Register of Represented Members defined herein and held by the Committee
<b>Returning Officer</b>	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

## **Represented Member**

a. medical practitioners providing medical services in the area for which the Committee is formed under a General Medical Services contract in the Area

b. other medical practitioners performing Primary Medical Services in the area for which the Committee is formed (i) pursuant to section 16CC92)(a) of The Act (ii) in accordance with section 28C 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). (The above covers medical practitioners operating under PMS arrangements including sessional practitioners)

c. sessional or contracted locums providing medical services who have notified the PCT that they wish to be represented by the Committee

### **1. TITLE**

The Committee shall be known as the Nottinghamshire Local Medical Committee.

### **2. PERSONS ELIGIBLE FOR MEMBERSHIP**

- i) The Members of the Committee shall be registered medical practitioners.
- ii) Any Members of the Committee shall be eligible for re-election or re-appointment.

### **3. CONSTITUTION OF THE COMMITTEE**

The Committee shall consist of:

- i) Up to twenty elected Members, being practitioners on the list, duly elected in accordance with the procedure hereinafter laid down.
- ii) Additionally and at the discretion of the elected Members of the Committee, the following co-opted Members, who shall be non-voting:
  - (a) one representative of Salaried and Sessional GPs (where none have been directly elected as above)

- (b) one representative of GP Practice Managers
- (c) practitioners nominated by the medical staffs of Trust hospitals within the area of the Committee in such manner as medical staff may from time to time decide
  
- (d) one GP Registrar undergoing training within the area covered by the Committee
- (e) up to three practitioners representing a particular class of experience not otherwise represented on the Committee

*Provided* that the number of co-opted Members in categories ii) (a), (b), (c), (d), (e) and (f) above does not exceed one quarter of the total number of Members of the Committee.

#### **4. METHOD OF ELECTION OF MEMBERS UNDER SECTION 3(I)**

- 4.1. The Returning Officer shall be a person, other than an elector, appointed by the Committee for the purpose, and in the event of his absence or inability to act, he shall appoint some person, other than an elector, to act in his or her place.
  
- 5.. Voting shall be by a postal ballot in accordance with the procedure set out in the attached Schedule and the rules laid down in the following paragraphs.
  - i) 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 practitioners on the list as of the first day of the last quarter of the year in which the election takes place, who have contributed to the LMC's Statutory/Administrative Levy in the manner specified by the Committee. The persons whose names are on such list are in this Constitution referred to as "the electors".
  
  - ii) Only practitioners on the list who are included in the Register of Members shall be included in the list of electors and be entitled to vote for candidates for election under paragraph 3(i).
  
- 6. 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 14 clear days before the date of the election.

Such notice shall:

- i) State the date of the election.
  
  - ii) State the date by which nominations for election must be submitted to the Returning Officer.
  
  - iii) Set out the provisions with regard to nomination contained in the next succeeding paragraph hereof.
  
  - iv) Enclose a nomination form.
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- 7. Every candidate for election shall be nominated by another elector from within the same constituency, and every nomination form must be accompanied by a statement in writing signed by the candidate that, if elected, he or she is prepared to accept office.

8. If the number of nominated candidates qualified for election in accordance with paragraph 3(i) of this Constitution does not exceed the number of vacancies, the Returning Officer shall declare those candidates to be elected; and for the purpose of filling any vacancy 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.
9. Voting shall be in accordance with the following rules and procedure set out in the Schedule attached as an appendix:
  - i) Separate voting papers shall be prepared by the Returning Officer containing the names of the duly nominated candidates who are practitioners on the list and on the Register of Members.
  - ii) Each voting paper shall contain:
    - (a) a statement of the number and identity of candidates for whom the elector may validly vote, and
    - (b) a statement that the same must be returned to the Returning Officer so as to reach him or her by the date of the election (which shall be specified in the voting papers and shall be not normally more than 14 days after the issue of such papers).
  - iii) The Returning Officer shall send to each elector a voting paper containing the names of those candidates for whom he or she is entitled to vote.
  - iv) A voting paper shall be invalid if:
    - (a) the elector has purported by it to cast more votes than is permitted under the Constitution
    - (b) it does not contain the unique voter identification number
    - (c) 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 desired to record his vote (provided that the Returning Officer may, if he or 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)
    - (d) it is received by the Returning Officer after the date of the election
10. 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.
11. 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 which of the candidates shall take the highest place.
12. 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.
13. The Returning Officer shall forthwith give notice in writing of the result of the elections to all candidates.

14. 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, directed to the address of the elector on the list of electors prepared in accordance with paragraph 7.

## **15. FIRST MEETING OF THE COMMITTEE**

15.1. 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.

15.2. It shall be the duty of the Committee to inform the electors of the identity of its members and shall give the appropriate instructions for this to be implemented.

## **16. UNFILLED VACANCIES**

16.1. Where the number of persons elected under paragraph 3(i) is less than the number of persons mentioned in such paragraphs by reason that no or insufficient qualified candidates have been nominated, the Committee may at any time prior to the next scheduled election appoint duly qualified persons to fill any such vacancies.

## **17. OFFICERS OF THE COMMITTEE**

i) The Officers of the Committee shall be Chairman, Vice-Chairman, Secretary and Treasurer.

ii) The Committee may appoint any suitable person, being either an elected Member or any employee of the Committee as its Secretary.

iii) The remaining Officers of the Committee shall be elected from among those members appointed to the Committee in accordance with the provisions of paragraph 3(i).

iv) The Officers shall normally be appointed for a term of two years and shall be eligible for reappointment upon re-election.

v) In the event of an Officer failing to complete his or her Term of Office, a successor shall be appointed without delay for the remainder of the period of office of the Officer he/she succeeds.

## **18. THE SECRETARIAT**

18.1. The Committee shall appoint any person or persons of whom it approves for the carrying out of such secretariat/administrative/representative/other duties as the Committee may require and the Committee may vote such remuneration for such person or persons as the Committee thinks fit..

## **19. QUORUM**

19.1 One-third of the number of 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, provided that at least three-quarters of the members present shall be elected representatives of practitioners on the list.

## **20. TERM OF OFFICE**

20.1. The elected Members of the Committee shall hold office for two years.

## **21. DISQUALIFICATION OR RETIREMENT OF MEMBERS**

21.1. A Committee Member shall cease to be a Member, thereby creating a casual vacancy, if:

- i) Having been qualified for election under paragraph 3(i) he/she ceases to be a practitioner on the list entitled to vote in the constituency for which he/she was elected;
- ii) Having been co-opted to the Committee under paragraph 3(ii) (e) as a practitioner undergoing training for general practice he/she ceases to be such a practitioner;
- iii) He/she has been absent from meetings of the Committee for a period of six months unless the Committee, being satisfied his/her absence was due to illness or other reasonable cause, resolve that he/she shall continue to be a Committee Member ;
- iv) He/she resigns their office by notice in writing signed by him/her and delivered to the Secretary of the Committee which shall take effect immediately;
- v) He/she fails to disclose a pecuniary or other significant interest in a matter which is the subject of consideration at a meeting of the Committee or of the Company, 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 roles and responsibilities described in an anti-conflict policy adopted from time to time by the Committee;
- vi) He/she is disqualified from the Company under the Company bye-laws, or by general company law;
- vii) the Committee Member's registration with the General Medical Council is suspended when he/she shall not be entitled to resume membership of the Committee for the remainder of the period for which he/she was originally appointed, but he/she shall be permitted to stand afresh in the next following election if the suspension has ended prior to the date when the Returning Officer sends a written notice of election to each elector.

## **22. THE COMPANY**

22.1 The Committee shall by way of written agreement have the power to transfer to the Company all or part of its activities and powers as set out in this Constitution and any other present or future activity as agreed, provided always that the collection of statutory and voluntary levy payments shall remain the responsibility of the Committee as well as all reporting functions vis à vis the Committee and the PCT.

22.2 Subject to 22.1 above the voting Members of the Committee elected under 3.1 or appointed under 16.1 together with its Secretary (elected or appointed) shall automatically become members of the Company.

## **23. INFORMATION TO BE SENT TO THE PRIMARY CARE TRUSTS**

23.1. The Secretary to the Committee shall inform the Primary Care Trusts of the names and addresses of all newly elected, appointed 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.

## **24. ANNUAL REPORT**

24.1 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 the same.

## **25. AMENDMENT OF CONSTITUTION**

25.1. 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 7 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 Secretary to the Committee shall, if requested so to do by not less than two-thirds of the Members of the Committee or 25 of the electors, embody in a letter any proposed amendment of this Constitution of which the Committee has approved and circulate such a letter to all practitioners on the electoral roll and all practitioners entitled to elect Members of the Committee under paragraph 3(i) with an invitation to such practitioners on the electoral roll and all practitioners entitled to elect Members of the Committee under paragraph 3(i) with an invitation to such practitioners to submit to the Secretary their comments on such proposals within 14 days after the date of despatch of such letter.
- iii) The Committee shall at a meeting held not later than 4 months after the date of the despatch of such letter consider all replies received by the Secretary within such period of 14 days and shall decide whether the said proposed amendment (either as circulated in such letter or as varied as the result of the consideration of such replies) shall be adopted and if so the approval of the Health Authority to such amendment shall be sought by the Secretary of the Committee.
- iv) Any amendment duly carried under sub-paragraph (iii) of this paragraph of which the Primary Care Trusts shall signify their approval shall be notified by the Secretary to the Committee at the next meeting of the Committee and thereupon such amendment shall forthwith take effect.
- v) The Secretary shall notify the proposer of any amendment duly carried under sub-paragraph (iii) of this paragraph of the decision of the Primary Care Trusts thereon forthwith upon the communication of such decision to him.

## **26. Funding**

### **26.1 The Statutory Administrative Levy**

To defray its administrative expenses the Committee will collect either a statutory or administrative levy from all Represented Members as defined herein.

## **26.2 The Voluntary Levy**

The Committee may raise an additional Voluntary Levy from Represented Members.

## **26.3 Collection**

The method of collection of both the Statutory/Administrative and the Voluntary Levies shall be determined by the Committee in conjunction with the PCTs.

## **26.4 Amount**

The amounts of the contribution to the Statutory/Administrative and the Voluntary Levies 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, and in the case of the Voluntary Levy, information supplied by the Treasurer of the GPDF.

## **27. Accounting**

The Committee will maintain separate accounts for the Statutory/Administrative Levy and the Voluntary Levy. The accounts for the Statutory/Administrative Levy may be subject to audit by the PCTs.

## **28. 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.

## **29. Notices**

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

## **30. Disclosure of Interest**

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



## THE SCHEDULE (referred to in section 5)

### Procedure for Election of Members of the Nottinghamshire Local Medical Committee

1. Candidates for election will be invited to indicate which constituency they are from. The constituencies for this purpose being coterminous with the Primary Care Trust boundaries of Bassetlaw, Nottingham City and the Nottinghamshire County Teaching PCT.
2. The candidates will be grouped together within the relevant constituencies, and a separate ballot paper prepared for each constituency. Every voter will receive a ballot paper showing candidates seeking election within their constituency.
3. Electors are invited to vote for up to the specific number of constituency candidates of their choice on ballot paper.
4. The Returning Officer will organise the count of the votes from the election, and on a "first past the post" basis determine who are elected as constituency representatives for each of the 3 constituencies.
5. Any vacancies remaining after the election process is complete may be filled *at the discretion of the new elected Members of the Committee* by volunteers who are practitioners on the list from within the relevant constituency or exceptionally by a volunteer being a practitioner on the list of another constituency. The Committee may, however, chose to allow the vacancy to remain a vacancy until such time as a volunteer from within the constituency emerges.

The number of seats available to be elected to (based on the number of electors) will be:

Bassetlaw PCT	up to 2 seats
Nottingham City PCT	up to 6 seats
Nottinghamshire County Teaching PCT	up to 12 seats

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