

Cambridgeshire Local Medical Committee

Constitution

(Amended May 2020)

1. General

1.1. In the following paragraphs, unless the context otherwise requires:

- 1.1.1. "The Committee" means the Local Medical Committee formed by this Constitution
- 1.1.2. "The area served by the Committee" shall be the area of Cambridgeshire and Peterborough (Area), or such area as agreed between the Committee and NHS England from time to time
- 1.1.3. "NHS England" includes the East Anglia Area Team, or successor organisations, that hold the contract with the General Medical Practitioners in the area served by the Committee
- 1.1.4. "The CCG" means the Cambridgeshire and Peterborough Clinical Commissioning Group that commissions services from the General Practitioners in the area served by the Committee
- 1.1.5. "Local GP" means a General Practitioner whose name is included on the Performers List within the area served by the Committee

2. Recognition

In accordance with section 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), the NHSE formally recognises the Committee formed for its Area as representing the general medical practitioners (GPs) in its Area. For the avoidance of doubt, the Committee is also independently recognised and has the relevant authority to act on behalf of Local GPs as set out in this Constitution.

3. Title

3.1. The Committee shall be known as the Cambridgeshire Local Medical Committee

4. Functions

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 to the expenses of the Committee.

For the avoidance of doubt, the Committee shall represent Local GPs in any given relevant capacity in the Area, which for the avoidance of doubt shall include without limitation as follows:

- as providers and/or performers of primary care services
- in their capacity as members of a CCG or members of a governing body of a CCG.
- as shareholders and/or members of any provider arm organisation created for the purposes of bidding and/or tendering for primary care or secondary care services by any NHS commissioner or other organisation within the Area or otherwise.
- in their capacity as service providers under any arrangement via a provider arm organisation or otherwise.
- in any commissioning roles unless a Local GP advises NHSE and the Committee that he no longer wishes to be represented by the Committee and/or withdraws any authority so given to the Committee to act on his behalf.
- within Primary Care Networks

5. Persons eligible for membership

5.1. All members of the Committee shall be Local GPs

5.2. Any member of the Committee shall, notwithstanding any other clause of this Constitution, be eligible for re-election

6. Constitution of the Committee

6.1. The Committee shall consist of:

6.1.1. **Elected Members:** Subject to variation in paragraph 6.2., twenty-four local GPs

6.1.2. **Advisors:** Such numbers of practitioners as may be a member of the Committee in accordance with paragraph 16

- 6.1.3 Co-opted Members

Not more than two eligible Local GPs, whose experience or expertise is deemed by the Committee to be of value to the Committee in its deliberations, provided that the number of co-opted members does not exceed one quarter of the total number of members of the Committee, may be co-opted onto the Committee.

- 6.1.4 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.

7. Electing members

7.1. For the purpose of electing members of the Committee under paragraph 5.1.1. the area served by the Committee may be divided into a number of constituencies

7.2. By the end of February of each year in which an election is to be held, the Committee shall consider the members to be elected in each constituency under the last paragraph in relation to the numbers entitled to vote in such a constituency on the 1 January of each year and the currently most appropriate boundaries. The Committee shall ensure that the number of persons elected, and their constituencies are (as nearly maybe) proportionate to the number of Local GPs entitled to vote in a fair and equitable manner, and may, for the purpose of promoting a fair and representative balance, constrain one or more seats to an underrepresented group of Local GPs

8. Method of Election

8.1. The Returning Officer shall be a person other than an elector, appointed by the Committee for the purpose. In the event of his/her absence or inability to act he/she will appoint some person, other than an elector, to act in his/her place

8.2. The election of the Committee shall take place in March every two years

8.3. Ballot papers may be accepted by post, fax or email

8.4. The Returning Officer shall prepare an electoral roll of persons entitled to vote and their addresses. The electoral roll shall include all those known to the Returning Officer to be local GPs on 1st January of the year in which the election takes place who have contributed to the funding of the Committee by paying an appropriate levy since 1st January and continuously since. The persons whose names are on the electoral roll are referred to in this Constitution as the "electors"

8.5. The said electoral roll shall also show in respect of every person whose name appears thereon the constituency in which he/she is entitled to vote (subject to the next succeeding sub-paragraphs)

- 8.6. It shall be the responsibility of each local GP to ensure that his/her name is on the said electoral roll. If a local GP desires to vote in a constituency other than that appropriate to clause 7.5., he/she shall make application to the Returning Officer who shall alter the said list accordingly if he/she is satisfied that the local GP has good reason
- 8.7. Only those persons whose name appears on the said list of electors shall be entitled to vote for candidates for election under paragraph 5.1.1.
- 8.8. 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 one calendar month before the date of the election. Such notice shall:
 - 8.8.1. State the date of the election
 - 8.8.2. State the constituency in which the elector is entitled to vote
 - 8.8.3. State the day by which nominations for the election must be submitted to the Returning Officer
 - 8.8.4. Set out the provisions with regard to nominations contained in the next succeeding paragraph hereof
 - 8.8.5. Enclose a nomination form
- 8.9. Every candidate for election under paragraph 5.1.1. shall be nominated by at least two electors. Electors must be entitled to vote in the constituency for which they nominate a candidate. A written statement from the candidate of up to 100 words must accompany every nomination form that would, in the event of an election, be shared with the electors. A candidate nominated for election under paragraph 5.1.1. shall be a person entitled to vote in the constituency for which he/she is nominated
- 8.10. If the number of nominated candidates who qualify for election in accordance with paragraph 5.1.1. of this Constitution does not exceed the number of vacancies in the constituency for which they are nominated, the Returning Officer shall declare those candidates to be elected. If the number of nominated candidates exceeds the number of vacancies, a vote shall be taken in the manner hereinafter provided
- 8.11. Elections shall be in accordance with the "Single transferable vote" system as described in the booklet published by the Electoral Reform Society "How to conduct an election by the single transferable vote"
- 8.12. Voting shall be in accordance with the following rules:
 - 8.12.1. Voting registers shall be prepared by the Returning Officer containing the names of duly nominated candidates and the constituencies for which they have been nominated
 - 8.12.2. The Returning Officer shall send to each elector a voting paper containing the names of those candidates for whom he/she is entitled to vote, and a statement that the same must be returned to the Returning Officer so as to reach him/her by the date of the election (which shall be specified in the voting papers and shall not be more than three weeks after the issue of such papers)
 - 8.12.3. A voting paper is invalid if:
 - 8.12.3.1. The elector has purported by it to cast more than one vote
 - 8.12.3.2. 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

8.12.3.3. It is received by the Returning Officer after the deadline on the date of the election

- 8.13. All voting papers received on or before the date of the election will be examined by the Returning Officer. After any invalid papers have been rejected, the votes on the remaining papers shall be counted and a return prepared of the candidates according to the number of votes which each has received. The person receiving the highest number of votes will be placed the highest on the return
- 8.14. 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 declare by lot which of the candidates shall take the highest place
- 8.15. Any questions as to the validity of any nomination or voting paper in connection with an election shall be determined by the Returning Officer
- 8.16. The Returning Officer shall forthwith give notice in writing of the result of the election to all candidates
- 8.17. Where any document is, under this Constitution required to be sent to a local GP, 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 7.4.
- 8.18. No election shall be invalid by any reason of 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 post of any document required or authorised by this Constitution to be displaced by post, if the Returning Officer is satisfied that the election was conducted substantially in accordance with the provision of this Constitution

9. Meetings of the Committee

- 9.1. The Returning Officer shall not give less than one weeks notice to the members of the Committee of the time and place of the first meeting
- 9.2. The Committee will meet from time to time as the need dictates but no less frequently than once in any twelve-month period
- 9.3. The Secretary of the LMC shall not give less than seven clear days notice to the members of the Committee of the time and place of each meeting

10. Minutes

- 10.1. Minutes of each meeting shall be kept on behalf of the Committee which will 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

11. Unfilled Vacancies/Casual Vacancies

- 11.1. Where the number of persons elected under paragraph 5.1.1. is less than the number of persons mentioned by reason that no or insufficient qualified candidates have been nominated, the Committee may appoint duly qualified persons to fill the vacancies.

A casual vacancy may be required under any of the following circumstances :

- Retirement
- The resignation, suspension from or removal from the Performers Lists or death of an Elected Member of the Committee, or
- Temporary absence (90 consecutive days or more) due to sickness or other similar circumstance (including maternity, adoption or paternity leave), or

- Disqualification of a member

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 he is co-opted would have been entitled to hold office or until next round of elections

12. Appointment of Secretary and other Officers

- 12.1. The Committee shall appoint a person to act as Secretary to the Committee; and in the event of 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 to Secretary shall forthwith notify his/her appointment to NHS England. If the person appointed Secretary is not a registered medical practitioner, the Committee shall nominate one of its members who is a Local GP, and who is willing so to act, to be available to offer help and advice to any elector who may particularly wish for the guidance of a professional colleague
- 12.2. The Committee shall elect other Officers, as it deems necessary. At the time of election, and throughout the term served, possible conflicts of interest must be reported by each Officer for approval in accordance with the Standing Orders and Governance document. Officers shall be elected for a term of four years in the first instance 'in the same office', and may be elected for one further term of office

13. Quorum

- 13.1. The quorum shall be a number equal to half of the number of the current Committee elected under paragraph 5.1.1. or, if half is not a whole number, the next whole number above a half shall form a quorum of the Committee

14. Terms of Office

- 14.1. The elected members of the Committee shall hold office for four years and may be re-elected, but if all the committee members are elected together, one half of the members (selected by lot by the Returning Officer) shall, in the first instance, hold office for two years

15. Disqualification or retirement of members

A member of the Committee may be disqualified if:

- He/she ceases to be a registered medical practitioner or is removed from the Medical Register.
- He/she ceases to perform primary 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 the NHSE and the Committee that he/she no longer wishes to be represented by the Committee, and/or withdraws any authority so given to the Committee to act on his/her behalf, or ceases to act as such a practitioner for a period in excess of 6 months except for the temporary circumstances set out in 11.1
- If within three months of receiving a due call he/she fails to pay to the Committee any current statutory or voluntary levy due to the Committee together with any arrears that may be outstanding.

- 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
- He/she fails to attend a meeting of the Committee for a period of three 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.
- The Committee member is disqualified from the Company under the Company bye-laws, or by general company law.
- The Committee Member's registration with the General Medical Council is suspended he/she shall not be entitled to resume his/her membership of the Committee for the remainder of the period for which he/she was originally appointed but he/she shall be permitted at the discretion of the Committee 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.
- If a Member is suspended from either the Medical Register or the Performers List then he/she shall stand down from the Committee until determination of the enquiry leading to the suspension has been made. If there are no restrictions on his/her medical practice and he/she remain eligible to stand, he/she shall be permitted at the discretion of the Committee 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.

16. Co-option

17. Declaration of interests

- 17.1. It is a requirement that all Committee members, officers and staff declare any potential conflict of interest that may arise in relation to matters under consideration by the Committee in accordance with the Standing Orders and Governance document

18. Code of conduct and accountability

- 18.1. All members of the Committee agree to abide by the requirements as described in the Standing Orders and Governance document

19. Annual Report

- 19.1. The Committee shall prepare each year a report of its proceedings since the publication of the last report, together with a statement of accounts and this report shall be circulated to those on the list of electors not later than three months after the Committee has approved it

20. Amendment of the Constitution

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

- 20.1.1. Proposals for such amendment shall be sent to the Secretary of the Committee who will place them before the Committee for consideration at the earliest opportunity. The Committee will not consider the same, however, until at least one week's notice of such proposals shall have been received by the Committee
- 20.1.2. The Secretary of the Committee shall, if requested to do so by not less than two thirds of the members of the Committee or a number of the electors equal to

twenty per cent of the electors as defined in paragraph 7.4., embody in a letter any proposed amendment of this Constitution of which the Committee has approved and circulate such a letter to all local GPs on the electoral roll with an invitation to submit to the Secretary their comments on such proposals within two weeks of the date of dispatch of such a letter

- 20.1.3. The Committee shall at a meeting held no later than four months after the dispatch of such a letter consider all the replies received by the Secretary within such a period of two weeks and shall decide whether the said proposed amendment (either as circulated in such letter or as varied as the result of consideration of such replies) shall be adopted and if so, the approval of NHS England to such amendment shall be sought by the Secretary of the Committee
- 20.1.4. Any amendment duly carried under sub-paragraph 22.1.3. of this paragraph of which NHS England 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
- 20.1.5. The Secretary shall notify the proposer of the amendment duly carried under sub-paragraph 22.1.3. of the decision of NHS England forthwith upon the communication of their decision concerning the amendment

21. Amendment of the Standing Orders and Governance document

- 21.1. The Standing Orders and Governance document may be amended in the following manner but not otherwise:
 - 21.1.1. Proposals for such amendment shall be sent to the Secretary of the Committee who will place them before the Committee for consideration at the earliest opportunity. The Committee will not consider the same, however, until at least one week's notice of such proposals shall have been received by the Committee
 - 21.1.2. The Secretary of the Committee shall, if requested to do so by not less than two thirds of the members of the Committee enact any proposed amendment of the Standing Orders and Governance document.

22. The Company

- 22.1. The Committee recognises that the Company delivers services to Local GPs and the Committee shall approve and pass funding for that purpose.

23. Funding

23.1. The Statutory Levy

- 23.1.1. The administrative expenses of the Committee may (if required and necessary), be collected from the practices of all Local GPs whose names appear on the Register and in-line with policies agreed from time to time by the Committee.

23.2. The Voluntary Levy

- 23.2.1. The Committee currently collects a voluntary levy from the practices of Local GPs whose names appear on the Register to cover any services, expenses or benefits which the Committee in its sole discretion may determine are appropriate and beneficial to its Local GPs and may apply that funding accordingly.

23.3. Collection

23.3.1. The method of collection of the levies shall be determined from time to time by the Committee.

23.4. Amount

23.4.1. The amounts of the levies shall 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.