

MODEL CONSTITUTION OF LOCAL PHARMACEUTICAL COMMITTEES

1. Definitions

In the following Scheme unless the context otherwise requires:-

- 1.1 "Primary Care Trust" and "PCT" mean a body of that name established by the Secretary of State under Section 10(1) of the NHS Act 1977 as amended.
- 1.2 "The Committee" and "LPC" mean the Local Pharmaceutical Committee recognised under the provisions of Section 44 of the National Health Service Act 1977 as amended as representative of the persons providing pharmaceutical services in the locality of one or more Primary Care Trusts.
- 1.3 "The Secretary of State" means the Secretary of State for Health.
- 1.4 "Contractor" means a person or body corporate or a partnership whose name is on a pharmaceutical list maintained by a Primary Care Trust in respect of premises in the area of the Primary Care Trust.
- 1.5 "Business" and "Pharmacy" mean a registered retail pharmacy business providing NHS Pharmaceutical services or Local Pharmaceutical Services.

2. Title

- 2.1 The Committee shall be known as the " Local Pharmaceutical Committee" (LPC),

3. Membership

- 3.1 The Committee shall consist of pharmacists engaged in the provision of Pharmaceutical Services under the National Health Service Act 1977, in the locality of the following Primary Care Trust(s):-
- 3.2 The Committee shall be constituted by election or appointment in accordance with the following sub-paragraphs
 - 3.2.1 The Committee shall number thirteen pharmacists, elected or appointed by contractors in accordance with this paragraph together with additional members appointed under 3.2.2. Each member shall be elected by contractors, unless appointed by the Company Chemists Association or by a contractor providing services from more than 5 per cent of the premises on the pharmaceutical list or lists within the LPC area. The Company Chemists' Association (CCA) may appoint members of the Committee in proportion to the number of businesses owned by CCA members in the LPC area, but not exceeding 40 per cent of places on the Committee determined under this subparagraph. A contractor owning more than 5% of the businesses in the LPC area shall be entitled to appoint a member to the Committee, and additional members if the number of businesses

owned by him in proportion to the total number of businesses in the LPC would entitle him to more than one member, but no one contractor shall be entitled to more than 40 per cent of all places on the Committee determined under this subparagraph; the remaining places will be filled by election from those and by those pharmacies not represented above nor those represented by the Co-operative Pharmacy Association (CPA).

3.2.2 One pharmacist nominee of the Co-operative Pharmacy Association, if a member business is within the LPC area; one pharmacist for each PCT area not represented by those elected or appointed under 3.2.1; one pharmacist providing LPS services if not already elected or appointed under 3.2.1 above

3.3 The regional representative of the Pharmaceutical Services Negotiating Committee in whose region the Committee is located shall be entitled to attend all meetings of the Committee.

4. Election to the Committee

4.1 The election shall be by postal vote to be taken as soon as may be after the 1st day of January in each year when an election is held.

4.2 Electors

Electors must in every case be registered pharmacists, or corporate bodies that are "persons lawfully conducting retail pharmacy businesses" within the meaning of Section 69 of the Medicines Act engaged in the provision of NHS Pharmaceutical Services within the area. Each elector may vote in respect of each separate premises on the pharmaceutical list.

4.3 Returning Officer

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

4.4 Elections

4.4.1 Excepting Member Companies of the Company Chemists' Association and Co-operative Societies and other contractors for whom specific places are provided on the Committee, every person, firm or corporate body on a pharmaceutical list maintained by a PCT in the LPC area shall be entitled to take part in the election of representatives of pharmacy contractors on the Committee on the basis of one vote for each business in the locality. The list of voters with their addresses shall be taken from the NHS Pharmaceutical Lists prepared by the PCT(s).

4.5 Nominations

- 4.5.1 The Returning Officer shall give notice of the election to each elector and such notice shall specify the last day and hour for the receipt of nominations and shall be sent so as to be delivered to the elector not less than fourteen days before the day specified thereon.
- 4.5.2 Candidates for election shall be nominated in writing, and the nomination paper shall state the full name, business address and pharmaceutical registration number of the candidate, and shall be signed by or on behalf of two electors, and shall be despatched so as to be delivered at the address of the Returning Officer not later than twelve noon on the day stated in the notice of election despatched by the Returning Officer under paragraph 4.5.1 (above).
- 4.5.3 Every nomination shall be accompanied by a statement in writing signed by the person nominated that he or she consents to be nominated and to serve if elected.
- 4.5.4 The Returning Officer shall send written confirmation of all nomination forms.
- 4.5.5 Where the number of duly qualified candidates does not exceed the number of vacancies, the Returning Officer shall declare those candidates to be elected. A postal ballot shall be taken in the manner hereinafter mentioned if the number of candidates exceeds the number of vacancies.
- 4.5.6 If any vacancies remain unfilled because an insufficient number of candidates have been nominated, the persons elected may fill the vacancies by co-option.
- 4.5.7 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.

4.6 Method of Taking a Poll

- 4.6.1 Where a poll is required to be taken, each elector shall be entitled to cast a number of votes equal to the number of vacancies in respect of which the poll is taken, but may not cast more than one vote for any one candidate.
- 4.6.2 The Returning Officer shall, as soon as may be, despatch by post to the address of every elector, a voting paper in such form as the Returning Officer may think fit, and if the elector desires to record a vote, he shall mark the voting paper as directed and shall despatch it so as to be delivered at the address of the Returning Officer not later than twelve noon on the day stated on the voting

paper, which shall be a day at least fourteen days subsequent to the despatch of the voting paper.

4.6.3 The Returning Officer shall examine the voting papers, and after rejecting any that are invalid shall count the votes recorded on the remaining papers, and shall prepare a list of candidates according to the number of votes being placed highest on the list.

4.6.4 If the votes received by any two or more candidates are equal, additional places shall be assigned in order to avoid deciding by lot.

4.6.5 The Returning Officer shall declare to be elected those persons who are highest on the list.

4.7 The Returning Officer shall forthwith give notice in writing of the result of the election to each of the persons elected and to all the candidates.

4.8 Where any document is, under these rules, required to be sent to an elector, it shall be deemed to have been duly sent if it has been delivered or posted direct to the address which is stated in the electors' list to be the address or the place of residence of the elector.

4.9 No election shall be invalid by reason of any misdescription or non-compliance with the provisions of these rules, or by reason of any miscounted or of the non-delivery, loss or miscarriage in the course of post of any document required or authorised by these rules to be despatched by post if the election was conducted substantially in accordance with the provisions of these rules.

5. Company Chemists' Association Appointments

5.1 The Returning Officer shall give notice to the Secretary of the Company Chemists' Association whenever elections are being held and the Company Chemists' Association shall be invited to make appropriate nominations to fill places under the provisions of paragraphs 3.2 of this Constitution.

6. Co-operative Pharmacy Association Appointments

6.1 The Returning Officer shall give notice to the Secretary of the Co-operative Pharmacy Association whenever elections are being held and invite appropriate nominations to fill the vacancies under the provisions of paragraphs 3.2 of this Constitution.

6A. Other Multiples Appointments

6A.1 The Returning Officer shall give notice to the Secretary of other multiples whenever elections are being held and invite appropriate nominations to fill the vacancies under the provisions of paragraphs 3.2 of this Constitution.

7. First Meeting of Committee

- 7.1 If requested beforehand by the LPC, the Returning Officer shall give not less than seven days' notice to the Members of the Committee of the time and place of the first meeting.

8. Appointment of Officers

- 8.1 The Committee shall appoint a Chairman, a Secretary who need not be a member of the Committee and a Treasurer. In the event of the death, resignation or removal from office of the Chairman, Secretary or Treasurer so appointed, the Committee shall appoint a person to act in his place; the Secretary shall forthwith notify any such appointment to the Primary Care Trust(s) and to the Pharmaceutical Services Negotiating Committee.

- 8.2 The officers shall be paid such remuneration and expenses if any as the Committee deems appropriate.

8.3 Duties of Officers

8.3.1 The duties of the Chairman are to chair meetings of the LPC and to lead delegations in meetings with Strategic Health Authorities, Primary Care Trusts and other organisations as appropriate.

8.3.2 The duties of the Secretary are determined by the LPC.

8.3.3 The duties of the Treasurer are to be accountable for the proper management of all aspects of LPC finances and the payment of the PSNC levy.

9. Quorum

- 9.1 The number of Members of the Committee who shall form a quorum of the Committee shall be a simple majority of the total membership.

9A Governance

9A.1 The LPC shall conduct its affairs in accordance with the accepted principles of good corporate governance as set out in Annex 1 of this constitution.

9A.2 All Members and officers shall complete written Declarations of Interest which shall be updated annually.

9A.3 All Members and Officers shall sign confidentiality agreements.

9A.4 The LPC shall, if appropriate, consult contractors before reaching decisions.

9A.5 The LPC shall ensure transparency and equality of information and opportunity for all contractors in matters relating to the local purchasing of pharmaceutical services.

- 9A.6 The LPC shall respond to any request for an inquiry by a contractor or LPS chemist who believes that the LPC or an officer of the LPC has acted unconstitutionally, by holding a meeting of the LPC to deal with the matter and shall report the conclusions of that meeting to all contractors represented by the LPC
- 9A.7 The LPC shall ensure arrangements are in place to advise any pharmacy contractor and LPS chemist in the LPC area who needs help or assistance on NHS matters.
- 9A.8 The Treasurer shall not also be the Secretary.
- 9A.9 The Treasurer shall prepare accounts, which shall include details of income and expenditure including salaries, expenses and allowances paid to officers and members, capital expenditure, meeting costs and payments to the PSNC during the year. The accounts shall be examined and a report prepared by a professionally qualified accountant who holds a practising certificate.
- 9A.10 The LPC shall seek approval of the accounts at the Annual General Meeting

10. **Terms of Office**

- 10.1 Members of the Committee shall hold office until a date to be determined by the Committee, not later than 31st December 2006. The Committee that takes office in 2006 shall hold office until 31st March 2010, and thereafter for periods of four years.

11. **Disqualification or Retirement of Members**

- 11.1 Where a Member of the Committee was at the time of his election a registered pharmacist engaged in the service and subsequently ceases to be a registered pharmacist so engaged or ceases to be eligible for the section of the Committee he represents, his seat on the Committee shall thereupon be vacated and a casual vacancy shall be deemed to have occurred.
- 11.2 Where an elected Member of the Committee has been absent from three consecutive ordinary meetings of the Committee to which he has been summoned, the Committee shall invite an explanation and declare his seat has been vacated unless satisfied that his absence was due to reasonable cause.
- 11.3 A Member of the Committee may, at any time, by notice in writing signed by him and delivered to the Secretary to the Committee, resign his office.

12. **Method of Filling Casual Vacancies**

- 12.1 Where by reason of the resignation, death or disqualification of an elected Member of the Committee a casual vacancy in the membership of the Committee occurs, the Committee may, within a reasonable period after its occurrence, appoint a person with the necessary qualifications to fill the vacancy.
- 12.2 Pending any such appointment, the proceedings of the Committee shall not be invalid by reason of such vacancy.
- 12.3 The person so appointed shall hold office for the remainder of the period for which the Member in whose place he is appointed would have been entitled to hold office.

13. **Information to be sent to the Primary Care Trust(s) & the Pharmaceutical Services Negotiating Committee**

- 13.1 The Secretary to the Committee shall, as soon as practical, inform the strategic LPC office, Secretary of the Pharmaceutical Services Negotiating Committee and the Primary Care Trust(s) of the names and addresses of the persons appointed to the Committee and of changes arising from casual vacancies in the membership of the Committee.

14. **Annual Report and Annual General Meeting**

- 14.1 The Committee shall prepare each year a report of their proceedings together with a statement of audited accounts and this report and statement of accounts shall be circulated to the contractors and the Pharmaceutical Services Negotiating Committee within six months of the completion of the period to which the report relates.
- 14.2 The report shall include details of all remuneration, expenses and allowances paid to officers and members during the year.
- 14.3 Within six months of the end of the Committee's financial year an annual general meeting will be convened with at least 30 days notice given to contractors. At the annual general meeting the annual report will be presented and any other business as necessary conducted.

15. **Amendment of Constitution**

This constitution may be amended in accordance with the procedure in this section.

- 15.1 The Secretary to the Committee shall, if requested so to do by not less than two-thirds of the Members of the Committee or one-third of the persons who are contractors summon a special meeting of the contractors, and shall give not less than seven clear days notice to each contractor, stating the time and place of the meeting and the objects for

which it has been summoned. The meeting summons will also include a voting form to allow the contractor to register a vote on the amendment by returning the form to the LPC Secretary at any time before the vote is taken at the meeting.

- 15.2 Any amendment to the constitution must be carried by a two-thirds majority of the total votes cast.
- 15.3 The Secretary of the Committee shall notify the Chief Executive Officer of the Pharmaceutical Services Negotiating Committee at the same time as the notice of the proposed amendment to the constitution.

16. **Duties**

- 16.1 To be the Local Pharmaceutical Committee recognised in accordance with Section 44 of the National Health Service Act 1977 as the Local Pharmaceutical Committee which a Primary Care Trust is under a duty to consult (see Section 45(1) of the NHS Act 1977 as amended) on such occasions and to such extent as may be prescribed.
- 16.2 To ensure that the Committee conducts its affairs in accordance with accepted principles of good governance.
- 16.3 To establish effective liaison with other bodies concerned with the Health Service in the locality of the Primary Care Trust(s).
- 16.4 To appoint/nominate representatives to any committee or subcommittee on which pharmaceutical representation is required.
- 16.5 To ensure arrangements are in place to advise any pharmacy contractor who needs help or assistance on NHS matters.
- 16.6 To consider any complaint made by any pharmacy contractor against another pharmacy contractor carrying on business in the area for which the Committee is constituted involving any question of the efficiency of the Pharmaceutical Services as empowered by Regulation 20(4) of the National Health Service (Service Committee and Tribunal) Regulations, 1992.
- 16.7 To make representations to the Primary Care Trust(s) and to the Pharmaceutical Services Negotiating Committee on matters of importance to pharmacy contractors.
- 16.8 To request the Primary Care Trust(s) to allot to the Committee such sums as are required to defray the Committee's administrative expenses and for any sums so allotted to be taken from the monies available for the remuneration of pharmacy contractors
- 16.9 To assist in the formulation of bids for funds held at any level and advise on submissions for LPS.

- 16.10 To ensure transparency and equality of information and opportunity for all contractors in matters relating to the local purchasing of pharmaceutical services.
- 16.11 To collaborate with PSNC on all matters for the provision of pharmaceutical services regarding local and national issues.
- 16.12 To collaborate with other pharmaceutical bodies including other LPCs to the benefit of pharmacy contractors.
- 16.13 To respond to any request for an inquiry by a contractor who believes that the LPC or an officer of the LPC has acted unconstitutionally, by holding a meeting of the LPC to deal with the matter and to report to all contractors represented by the LPC.
- 16.14 The LPC shall ensure that the appropriate structures and resources are in place to discharge its duties in a proper manner and the LPC may set up subcommittees of the LPC for this purpose.

17. **Finance**

- 17.1 The expenses of the Committee and, through the Committee, of the Pharmaceutical Services Negotiating Committee shall be met by contributions from pharmacy contractors in the area.
- 17.2 The LPC shall have authority to agree payment of remuneration and expenses to officers of the Committee, and expenses and attendance allowances to Members of Committee engaged on Committee business, and shall publish details of these payments in the Annual Report.

Accountability - Members of the LPC are accountable for their decisions and actions to contractors and the public and therefore submit to scrutiny.

Openness - Members should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only for short term tactical reasons, or when the wider public interest clearly demands.

Honesty - Members have a clear duty to declare any private interest relating to their LPC duties, and take steps to resolve any conflicts arising.

Leadership - Members should promote and support the above principles by leadership and by example.

Representativeness (Selflessness) - members must reflect the interests of the contractors who elected or appointed them to the LPC, and must make decisions in the interests of the general body of contractors; they must not make decisions in order to gain financial or other material benefits for themselves, family or friends.

Integrity - members must not put themselves under any obligation that might influence their performance on the LPC or their ability to reflect the interests of the contractors who elected or appointed them or to make decisions in the interests of the general body of contractors.

Objectivity - in making decisions and in carrying out the business of the LPC members should act within the constitution and make decisions only on merit.