CONSTITUTION of the WEST SUSSEX

LOCAL PHARMACEUTICAL COMMITTEE

1. Definitions

In this Constitution –

"The Act" means the National Health Service Act 2006, as amended.

"Chief Officer" means the person employed or engaged by the Committee as its Chief Officer, Secretary, or Chief Executive Officer.

"The Committee" and "LPC" mean the Local Pharmaceutical Committee recognised by the NHS Commissioning Board (NHSCB) under the provisions of the Act as representative of the persons providing pharmaceutical services and persons providing local pharmaceutical services from premises in the area for which the Committee is formed.

"Health and Wellbeing Board" ("HWB"), means the Local Authority's Health and Wellbeing Board or any successor organisation with a similar function for the area or part of the area of the LPC.

"NHS Commissioning Board" ("NHSCB") means the body established under the NHS Act 2006 as amendedalso known as "NHS England", or any successor organisation, by which the Committee is to be recognised under the provisions of section 167 of the Act.

"NHS Matters" includes NHS Pharmaceutical Services commissioned by the NHSCB and NHS services commissioned under arrangements made with Local Authorities or Clinical Commissioning Groups.

"Persons providing pharmaceutical services" means persons whose names are included in a pharmaceutical list who provide pharmaceutical services in the area of the LPC, excluding suppliers of appliances only.

"Persons providing local pharmaceutical services" means persons who are providing local pharmaceutical services (LPS) under an LPS scheme or under a pilot scheme made with the NHSCB in the area for which the Committee is formed, and where the person has notified the NHSCB that he wishes to be represented by the Committee (and has not notified it that he wishes to cease to be so represented).

"Pharmacy contractor" means a person providing pharmaceutical services or a person providing local pharmaceutical services from registered pharmacy premises in the area for which the Committee is formed.

"Representative" means a person who has agreed with a pharmacy contractor to stand as a member of an LPC on behalf of the pharmacy contractor.

"The Secretary of State" means the Secretary of State for Health.

2. Name of Committee

The Committee shall be known as the "West Sussex Local Pharmaceutical Committee".

3. Duties

3.1. Governance and Finance

3.1.1. The Committee shall conduct its affairs in accordance with accepted principles of good governance, in particular preparing and publishing an annual budget, and complying with the principles set out in 'Guidance on LPC Governance' published by PSNC.

3.1.2. The Committee shall ensure that the appropriate structures and resources are in place to discharge its duties efficiently and effectively and the Committee may set up subcommittees of the Committee for this purpose. The structures and resources may be part of pooled arrangements with one or more other Committees.

3.1.3. In considering whether the structures and resources mentioned in paragraph 3.1.2 are appropriate, the Committee shall consider whether this may be achieved by collaboration with other Committees as mentioned in 3.4.3.

3.1.4. The Committee shall maintain appropriate management and administrative structures to ensure the Committee's business is carried out efficiently and effectively. The management and administrative structures may be part of pooled arrangements with one or more other Committees.

3.1.5. The Committee shall respond to any request for an inquiry by a contractor who believes that the Committee or an officer of the Committee has acted unconstitutionally, by holding a meeting of the Committee to deal with the matter and to report to all contractors represented by the Committee.

3.1.6. The Committee shall request the NHSCB 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.

3.2. Representation of pharmacy contractors

3.2.1. The Committee shall receive, and where appropriate respond to, consultations by the NHSCB and HWB on behalf of the pharmacy contractors in the area for which the Committee is formed.

3.2.2. If there is no member of the Committee working in or on behalf of a pharmacy contractor in the area of any of the HWBslisted in paragraph 4, the Committee shall ensure that there are adequate arrangements to ensure the representation of pharmacy contractors in those HWB areas is not compromised.

3.2.3. The Committee shall, where appropriate, respond to other national or local consultations which are relevant to the pharmacy contractors in the area for which the Committee is formed.

3.2.4. The Committee shall appoint or nominate representatives to any committee, subcommittee, working group or other body on which representation of pharmacy contractors is required.

3.2.5. The Committee shall make representations to the NHSCB and HWB on matters of importance to pharmacy contractors.

3.2.6. The Committee shall make representations to the Regional Representative of the Pharmaceutical Services Negotiating Committee (PSNC) on matters of importance to pharmacy contractors.

3.3. Support for pharmacy contractors

3.3.1. The Committee shall ensure transparency and equality of information and opportunity for all pharmacy contractors in matters relating to the local commissioning of NHS services.

3.3.2. The Committee shall use its best endeavours to advise any pharmacy contractor who needs help or assistance on NHS matters. The LPC is not however, able to provide legal advice as this must be given by a qualified solicitor or by counsel. In cases where legal advice may be needed on matters relating generally to the LPC's contractors, rather than relating to an individual contractor, the LPC may at its discretion, assist with funding such legal advice.

3.3.3. The Committee shall provide appropriate levels of guidance and support to pharmacy contractors or groups of pharmacy contractors in the formulation of bids for funds held at any level and advise on submissions for LPS and local commissioning.

3.3.4. The Committee may establish or assist in the establishment of a body corporate formed for the sole purpose of supporting the interests

of pharmacy contractors, provided that the memorandum and articles of the body corporate are agreed at a general meeting of the Committee by a two thirds majority of the total votes cast (including postal votes).

3.3.5. The Committee's assistance of such a body corporate as mentioned in 3.3.4 above shall be withdrawn if requested by a majority of the pharmacy contractors voting (including by postal vote) at a general meeting.

3.3.6. The Committee shall consider any complaint made by any pharmacy contractor against another pharmacy contractor involving any question of the efficiency of the Pharmaceutical Services as empowered by Regulations.

3.4. Relationships with other bodies, in the interests of pharmacy contractors

3.4.1. The Committee shall aim to establish effective liaison with commissioners and other bodies concerned with the National Health Service in the areafor which it is formed.

3.4.2. The Committee shall respond to requests to investigate complaints made by such bodies alleging breaches of governance by members or officers of the Committee.

3.4.3. The Committee shall have a duty to consider collaborating with other Committees, where this may benefit pharmacy contractors.

3.4.4. The Committee shall collaborate as appropriate with PSNC on all matters relating to the provision of pharmaceutical services and local pharmaceutical services.

3.4.5. The Committee shall aim to collaborate with other pharmaceutical bodies and other non-pharmaceutical bodies to the benefit of pharmacy contractors.

3.5. Fit and Proper Person

3.5.1. A Member or Officer of the LPC is expected to be a fit and proper person, and shall at all times act in a way that preserves and protects the reputation of the Committee.

3.5.2. A Member or Officer may be elected or appointed to the Committee on his or her own account, or may be acting on behalf of a pharmacy contractor.

3.5.3. To ensure that the obligation in 3.5.1. is satisfied, the Committee may suspend or remove from membership any Member or Officer who

personally or, where he is acting on behalf of a pharmacy contractor, that contractor-

3.5.3.1. is suspended from a pharmaceutical list in the area of the LPC;

3.5.3.2. has been removed from the pharmaceutical list for a fitness to practise matter in the area of the LPC;

3.5.3.3. has been suspended from a professional register by a professional regulatory body;

3.5.3.4. has been removed from a professional register by a professional body;

3.5.3.5. has been convicted of a criminal offence for which a penalty of imprisonment may be imposed

3.5.4. Before deciding whether to suspend or remove the Member or Officer from the Committee, the Committee shall ask the Member or Officer for an explanation, and may consider any written or verbal response, provided these have been provided within the reasonable timescales specified by the Committee.

3.5.5. Any period of suspension shall be kept under review, and shall be lifted if the Committee is satisfied that the reputation of the Committee will not be harmed.

3.5.6. A Member or Officer may be removed from the Committee under paragraph 3.5. only if he, or the pharmacy contractor on whose behalf he acts, has been removed from - a pharmaceutical list (in relation to a fitness to practise matter), a professional register, or has been sentenced to a term of imprisonment.

3.5.7. A person removed from the Committee under paragraph 3.5. shall be ineligible for election or appointment to the Committee for a period of twelve months.

4. Recognition of the Committee

4.1. The Committee is recognised by the NHS Commissioning Board under the provisions of section 167 of the Act as representative of the pharmacy contractors in the area(s) of the following Health and Wellbeing Boards:-

WEST SUSSEX HWB

4.2. The Committee is recognised by NHS England in relation to pharmaceutical services (which are commissioned by NHS England). As the services that can be provided by pharmacy extends to those that may be commissioned by other

commissioners including CCGs and Local Authorities, the Committee will seek to gain recognition as the representative body for pharmacy contractors by building strong relationships with these other organisations.

5. Membership

5.1. The Committee shall determine the number of members of the Committee.5.2. The members shall be pharmacy contractors or representatives of pharmacy contractors and shall be elected or appointed in accordance with the following paragraphs.

5.3. The Company Chemists' Association (CCA) shall be entitled to appoint members to the Committee in proportion to the number of CCA member company pharmacy contractor premises in the area for which the Committee is formed. The CCA and member companies of the CCA shall not be eligible to participate in the election of other members.

5.4. The Association of Independent Multiple Pharmacies (AIMp) shall be entitled to appoint members to the Committee in proportion to the number of AIMp member company pharmacy contractor premises in the area for which the Committee is formed. The AIMp and member companies of the AIMp shall not be eligible to participate in the election of other members.

5.5. Apharmacy contractor other than a member company of the CCA or AIMp owning several pharmacies in the area for which the Committee is formed shall be entitled to appoint members to the Committee in proportion to the number of its pharmacy contractor premises in the area for which the Committee is formed. If such a pharmacy contractor does appoint members, it shall not be eligible to participate in the election of other members.

5.6 In this paragraph, where appointments are made in proportion to the number of contractor premises, the entitlement to appoint the first member will arise only if the total number of contractor premises of the appointing body equals or exceeds the number that results from dividing the total number of contractor premises in the area of the LPC by the number of members of the Committee determined under paragraph 5.1.

5.7. Pharmacy contractors other than multiples that appoint members under 5.5 above, CCA contractors and AIMp contractors, shall be entitled to elect members to the Committee in accordance with paragraph 7 below.

5.8 For members subsequent to the first, the number of members appointed shall be in proportion to the number of contractor premises owned within the appointing body, applying rounding rules as determined by the LPC.

5.9. If there is no elected or appointed member of the Committee working in or representing a pharmacy contractor with premises in each of the areas of the

HWBs listed in paragraph 4, the Committee should, when appointing members under the provisions of paragraph 15.2, ensure where possible that there is at least one member in each HWB area.

5.10. The regional representative of the Pharmaceutical Services Negotiating Committee in whose region the Committee is located shall be entitled to attend and speak at any meeting of the Committee, but may not vote unless he is a member of the Committee. The regional representative of the Pharmaceutical Services Negotiating Committee in whose region the Committee is located shall also be entitled to attend and speak at any meeting of pharmacy contractors called by the Committee, but may not vote unless he is a pharmacy contractor in the area for which the Committee is formed.

5.11. The Committee may invite observers to attend meetings of the Committee.

5.12 Observers may be allowed to speak at meetings of the Committee, but shall not have a right to vote.

6. Appointment to the Committee

6.1. The CCA shall notify the Committee of the identity of the members it wishes to be appointed to represent the CCA as soon as practicable, and in any event with three months of any vacancy arising

6.2. The AIMp shall notify the Committee of the identity of the members it wishes to be appointed to represent the AIMp as soon as practicable, and in any event with three months of any vacancy arising.

6.3. Pharmacy contractors entitled to appoint members under paragraph 5.5 shall, prior to any election, notify the Returning Officer whether it wishes to appoint members and if so, the number of members it wishes to appoint to the Committee, up to the entitlement calculated in accordance with paragraph 5.5 above, and shall notify the Committee of the identity of the members to be appointed as soon as practicable, and in any event not later than three months after the date of the vacancy arising.

7. Election to the Committee

7.1. An election shall take place every four years to elect the balance of the members, having regard to the number of members appointed in paragraphs 6.1, 6.2 and 6.3 above.

7.2. The administration necessary to confirm the number of members that are to be appointed may be carried out at any time after 31 October in the year preceding the election, so that the process for identifying the candidates who will participate in the election (if any) can begin as soon as practicable after the 1st day of January in the year when an election is to be held.

7.3. Electors

7.3.1. Every pharmacy contractor (other than members of the CCA or those whose pharmacy business interests includes AIMppharmacies or pharmacies owned by those that have exercised their rights to appoint members under paragraph 6.3 above) shall be an elector and shall be entitled to participate in the election.

7.3.2. Each elector shall be entitled to receive, and vote on, one voting paper for each of his pharmacy contractor premises in the area for which the Committee is formed.

7.4. Returning Officer

7.4.1. 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.

7.4.2. The Committee shall provide such support to the Returning Officer as is necessary to ensure the timely conclusion of the election. The Committee shall indemnify the Returning Officer for any reasonable costs howsoever arising, incurred by the Returning Officer acting in good faith in pursuance of his duties set out in this Constitution.

7.4.3. The Returning Officer shall determine the total number of pharmacy contractor premises in the area for which it is formed; the number of pharmacy contractor premises owned by CCA member companies in the area for which the Committee is formed; AIMp member companies in the area for which the Committee is formed, and identify any other pharmacy contractor owning a sufficient number of pharmacy contractor premises in the area for which the Committee is formed to be eligible to appoint members under paragraph 5.5, together with the number of its premises. The numbers shall be those existing on 31 October in the year preceding the election.

7.4.4. The Returning Officer shall notify the CCA of the number of places which it is entitled to appoint.

7.4.5 The CCA may, within 28 days from the date of despatch of the notice, inform the Returning Officer if it wishes to appoint fewer than the number of members to which it is entitled.

7.4.6. The Returning Officer shall notify the AIMp of the number of places which it is entitled to appoint.

7.4.7 The AIMp may, within 28 days from the date of despatch of the notice, inform the Returning Officer if it wishes to appoint fewer than the number of members to which it is entitled.

7.4.8. The Returning Officer shall notify any pharmacy contractor eligible to appoint members under paragraph 5.5 of the number of places which the pharmacy contractor is entitled to appoint.

7.4.9. The pharmacy contractor so notified may, within 28 days from the date of despatch of the notice, inform the Returning Officer of the number of persons it wishes to appoint. If the pharmacy contractor does not inform the Returning Officer that it is exercising its entitlement to appoint members to the Committee, the pharmacy contractor shall be eligible to participate in the election.

7.4.10. The Returning Officer shall then calculate the number of places to be filled by election.

7.4.11. In the event that the number of appointed members equals or exceeds the total size of the Committee, there shall be one additional place to be filled by election.

7.5. Nominations

7.5.1. The Returning Officer shall notify each elector of the number of members to be elected and invite nominations. The 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.

7.5.2. Candidates for election shall be nominated in a form acceptable to the Returning Officer to include details of the candidate's community pharmacy experience and skills. Candidates for election may not be members of the Association of Independent Multiple pharmacies, or have a beneficial ownership in any pharmacy multiple that has exercised its right to appoint members to the Committee under paragraph 6.3.

7.5.3. Nomination forms shall be supportedby two different electors (who shall not be the candidate, or electors in which the candidate has a business interest).

7.5.4. The nomination shall be valid only if it is received by the Returning Officer before the date and time specified in the notice. The Returning Officer will acknowledge receipt of each nomination.

7.5.5. Where the number of valid nomination forms received does not exceed the number of vacancies, the Returning Officer shall declare those candidates elected, otherwise a postal ballot shall be held.

7.5.6. If any vacancies remain unfilled because an insufficient number of candidates have been nominated, the persons elected to the Committee may fill the vacancies by appointing additional members.

7.6. Ballot

7.6.1. The Returning Officer shall despatch to each elector a voting paper setting out the date and time for receipt of votes, which shall be not less than 14 days from the date of despatch of the voting paper.

7.6.2. The voting paper shall list the name of each candidate and specify the number of votes to be cast on the voting paper, which shall be equal to the number of vacancies.

7.6.3. The voting papers shall be accompanied by the information included in the shaded boxes of the nomination forms.

7.6.4. The elector may cast up to the number of votes specified, but may not cast more than one vote for any candidate on each voting paper.

7.6.5. The voting paper shall be valid only if it is returned to the Returning Officer so that it is received not later than the date and time specified on the voting paper.

7.6.6. 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 in order of number of valid votes received.

7.6.7. The Returning Officer shall declare to be elected those persons who are highest on the list such that the vacancies are filled.

7.6.8. The LPC may decide that its policy is that if the votes received by any two or more candidates are equal, one additional place shall be assigned if that is sufficient to determine the outcome of the election.If the LPC does adopt this policy it shall ensure that this is communicated to electors on the ballot forms. Otherwise the ballot shall be decided by the drawing of lots for the tied candidates.

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

7.6.10. Where any document is, under this Constitution, 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.

7.6.11. If the Returning Officer is satisfied that arrangements can be made for secure electronic ballot, the ballot may be conducted electronically.

7.7. No election shall be invalid by reason of any misdescription or noncompliance with the provisions of this Constitution, 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 this Constitution to be dispatched by post if the election was conducted substantially in accordance with the provisions of the Constitution.

7.8. Any question as to the validity of any nomination form or voting paper or otherwise in connection with an election shall be determined by the Returning Officer.

8. Meetings of the Committee

8.1. 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.

8.2. The Chief Officer shall give not less than seven days' notice to the Members of the Committee of the time and place of any meetings of the Committee.

8.3. A Member who is unable to attend a meeting of the Committee may appoint another Member of the Committee as his proxy to vote on his behalf at any such meeting provided that the proxy is declared at the commencement of the meeting.

8.4. Between meetings, urgent matters that require the decision of the Committee may be dealt with by electronic communications (including electronic voting) provided that the Chief Officer and Chairman is satisfied that arrangements can be made for discussions and voting where necessary can be carried out securely.

8.5. The Chief Officer shall, if requested so to do by the Committee summon a general meeting of the contractors, and shall give not less than seven clear days notice to each pharmacy contractor, stating the time and place of the meeting and the objects for which it has been summoned.

9. Appointment of Officers

9.1. The Committee shall appoint a Chairman who need not be a member of the Committee.

9.2. The Committee shall appoint a Vice – Chairman who need not be a member of the Committee.

9.3. The Committee shall appoint a Treasurer who need not be a member of the Committee.

9.4. The Committee shall appoint a Chief Officer, who need not be a member of the Committee.

9.5. The Chief Officer shall notify all such appointments to the NHSCB and to the Pharmaceutical Services Negotiating Committee.

9.6. In the event of the death, resignation or removal from office of the Chairman, Vice-Chairman, Treasurer or Chief Officer so appointed, the Committee shall appoint a person to act in his place.

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

9.8 The Officers other than those who are employed by or engaged under a contract for services to the Committee shall be appointed at the first meeting of the Committee and annually thereafter, and shall be eligible for re-appointment.

10. Duties of Officers

10.1. The duties of the Chairman are to chair meetings of the LPC and where appropriate to lead delegations in meetings with the NHSCB, HWB and other organisations as appropriate.

10.2. The duties of the Vice – Chairman are to deputise for the Chairman in case of absence or at the request of the Chairman.

10.3. 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.

10.4. The duties of the Chief Officer are determined by the LPC.

11. Management of the Committee

11.1. The Committee shall ensure the proper management of the business of the Committee, in order to carry out effectively its duties as set out in Paragraph 3, and in compliance with the principles of good governance.

11.2. The Committee may ask the Pharmaceutical Services Negotiating Committee to mediate if problems cannot be resolved satisfactorily.

12. Quorum

12.1. The number of members of the Committee who shall form a quorum of the Committee shall be a simple majority of the total membership.

12.2. For the purpose of this paragraph, the total membership of the Committee shall not include the members whose appointment under paragraph 6 has not yet been made.

12.3. If neither the Chair nor the Vice Chair of the Committee are present at the time that a meeting of the LPC is scheduled to commence, the members present may appoint an appropriate person to act as Chair for the duration of that meeting, or until the Chair or Vice Chair attends.

13. **Term of Office**

Subject to paragraphs 14 and 16, members of the Committee shall hold office from 1 April in the year of the election or appointment for a period of 4 years

14. **Disqualification or Retirement of Members**

14.1. Where a member of the Committee was at the time of his election a pharmacy contractor and he ceases to be a pharmacy contractor in the area for which the Committee is formed, he shall vacate his seat, although he will be eligible for appointment by the Committee.

14.2. Where a member of the Committee was at the time of his election or appointment acting on behalf of a pharmacy contractor and either the pharmacy contractor whom he represents ceases to be a pharmacy contractor in the area for which the Committee is formed, or the pharmacy contractor on whose behalf he is acting notifies the Committee that the member no longer acts on behalf of that pharmacy contractor, he shall vacate his seat, although he will be eligible for appointment by the Committee.

14.3. Where a member of the Committee was at the time of his appointment a representative of the CCA and the CCA notifies the Committee that the member no longer represents the CCA, he shall vacate his seat.

14.4. Where a member of the Committee was at the time of his appointment a representative of the AIM and the AIMp notifies the Committee that the member no longer represents the AIMp, he shall vacate his seat.

14.5. Where an elected or appointed 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. A member disqualified for non attendance shall not be eligible to be appointed or elected to the Committee for the remainder of the Term of Office of the Committee.

14.6. Notwithstanding paragraph 14.5 above, where an elected or appointed member of the Committee has been absent from more than 50% of the ordinary meetings of the Committee to which he has been summoned in any 12 month

period, the Committee shall invite an explanation and declare his seat has been vacated unless satisfied that his absence was due to reasonable cause. A member disqualified for non attendance shall not be eligible to be appointed or elected to the Committee for the remainder of the Term of Office of the Committee.

14.7. A member of the Committee may, at any time, by notice to the Chief Officer to the Committee, resign his office.

15. Method of Filling Vacancies

15.1. Where by reason of the removal, resignation, death or disqualification of an elected or appointed member of the Committee, or a nominating body failing to nominate within three months of the first meeting of the Committee a member to occupy a reserved place, a vacancy in the membership of the Committee occurs, the Committee may, within a reasonable period after its occurrence, appoint a person to fill the vacancy.

15.2. Between elections, the Committee may appoint members to maintain the appropriate number of members, and if doing so, shall where possible ensure the composition of the Committee reflects the mix of pharmacy contractors in the area for which the Committee is formed.

15.3. If the person to be appointed is to be representative of the CCA, the Chief Officer shall inform the CCA and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.4. If the person to be appointed is to be representative of the AIMp, the Chief Officer shall inform the AIMp and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.5. If the person to be appointed is to be representative of a pharmacy contractor eligible to appoint members to the Committee under paragraph 5.5 the Chief Officer shall inform the pharmacy contractor and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.6. If the person to be appointed is to be representative of pharmacy contractors who are eligible to vote in an election, the Chief Officer shall notify such pharmacy contractors of the vacancy, and invite expressions of interest. Expressions of interest will be considered if they are received by the Chief Officer within 7 days of despatch of the notice. The Committee shall appoint the person who, in its opinion, is the most suitable, without holding an election.

15.7. 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.

15.8. Pending any such appointment, the proceedings of the Committee shall not be invalid by reason of such vacancy.

16. Information to be sent to the NHSCB & the Pharmaceutical Services Negotiating Committee

16.1. The Chief Officer shall, as soon as practical, inform the NHSCBand the Pharmaceutical Services Negotiating Committee of the names and addresses of the persons appointed to the Committee and of changes arising from vacancies in the membership of the Committee.

16.2. The Committee shall on request, send to the NHSCB a copy of the Committee's agendas and minutes of any meetings or parts of meetings that were 'open' (non-confidential), unless they are readily available on the Committee's website.

16.3. The Committee shall send to the NHSCB a copy of the Annual report prepared under paragraph 18.1 once it has been presented to the pharmacy contractors.

16.4. The Committee shall send to the NHSCB a copy of its agreed budget not later than one month prior to the beginning of the financial year for which the budget applies, and for which a request has been made to the NHSCB for the payment of the Committee's expenses under paragraph 3.1.6.

17. Suspension / removal of members for breach of governance

17.1. Any member or officer of the Committee, or pharmacy contractor in the area for which the Committee is formed, may make a complaint to the Committee about an alleged breach of governance by any member or officer of the Committee.

17.2. The Chairman, or if the complaint concerns the Chairman, the Vice-Chairman shall make arrangements for any such allegation or an allegation made under paragraph 3.4.2 to be investigated, if appropriate by a member, officer or governance panel of another Local Pharmaceutical Committee, and a report of the investigation and its findings shall be prepared.

17.3. The member or officer shall be invited to provide an explanation or to comment to the investigator before the report is prepared.

17.4. On receipt of the report, the Committee shall decide whether the allegations appear to be substantiated and to decide whether the principles of good governance have been breached.

17.5. If the Committee decides that there has been such a breach, the Committee may decide:

17.5.1. To take no further action;

17.5.2. To issue a warning to the officer or member;

17.5.3. To suspend the member from the Committee for a specifiedperiod; or

17.5.4. To remove the officer or member from the Committee. In this case, the member shall not be eligible for election or appointment to the Committee for the current Term of the Committee.

17.6. In the event of a tied vote, the Chairman (or the Vice-Chairman if the case involves the Chairman) shall have a second, or casting vote.

18. Annual Report and Annual General Meeting

18.1. The Committee shall prepare each year a report of its proceedings together with a statement of accounts which have been examined by an independent professionally qualified accountant who holds a practicing certificate and this report and statement of accounts shall be circulated to all pharmacy contractors and the Pharmaceutical Services Negotiating Committee within six months of the completion of the period to which the report relates.

18.2. 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. The Notice shall be accompanied by the statement of accounts or shall include the web address on which the statement of accounts can be accessed. A postal voting form to permit pharmacy contractors to cast a postal vote whether to approve the accounts will be provided in hard copy or be made available by email or on a website, should they be unable to attend the annual general meeting.

18.3. A postal vote shall be valid only if sent by the pharmacy contractor so as to be received by the Chief Officer not later than 48 hours before the date and time the annual general meeting is scheduled to begin.

18.4. A pharmacy contractor who has sent a postal vote may attend and vote at the annual general meeting, but must notify the Chief Officer of his presence at the meeting before he casts his vote, and his postal vote will then be invalid.

18.5. At the annual general meeting the annual report will be presented and any other business as necessary conducted.

18.6. The Committee shall seek the approval of the accounts at the annual general meeting by ballot of pharmacy contractors. The accounts shall be approved if the total votes cast in favour of approval, in person and by valid postal vote exceed those votes cast opposing acceptance of the accounts, in person and by valid postal vote.

18.7. A pharmacy contractor voting by post or at any general meeting shall be entitled to cast one vote for each of his pharmacy contractor premises in the area for which the Committee is formed.

18.8 In paragraph 18(1) 'circulated' includes circulating of hard copies, or by email or by publishing on a web site and bringing to the attention of the intended recipient the web address at which the recipient is able to access the Report.

19. Amendment of Constitution

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

19.2. The Chief Officer shall, if requested so to do by not less than two-thirds of the members of the Committee or one-third of the pharmacy contractors summon a special general meeting of the contractors, and shall give not less than seven clear days notice to each pharmacy contractor, stating the time and place of the meeting and the proposed amendments of the Constitution for which it has been summoned.

19.3. 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 Chief Officer at any time before the vote is taken at the meeting.

19.4. In this paragraph a pharmacy contractor is to be interpreted as one contractor for each of the pharmacy contractor premises he owns in the area for which the Committee is formed.

19.5. Any amendment to the constitution must be carried by a two-thirds majority of the total votes cast.

19.6. The Chief Officer shall at the same time as issuing the summons under Paragraph 19.2, notify the Chief Executive Officer of the Pharmaceutical Services Negotiating Committee of any proposed amendment to the constitution, and shall include a copy of the summons.

20. Finance

20.1. The income and property of the LPC shall be applied solely towards the promotion of the functions set out in paragraph 3, and any surplus in any one year shall be carried forward into subsequent years.

20.2. 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 for which the Committee is formed.

20.3. The Committee shall have authority to agree payment of remuneration and expenses to officers of the Committee, and expenses and attendance allowances to members of the Committee engaged on Committee business.

20.4 The Committee shall publish details of payments made under paragraph 20.3, together with any payments made for pooled resources under paragraph 3.1.4. orin loans used for the establishment or assistance of bodies corporate established under paragraph 3.3.4with the Accounts presented with the Annual Report.

20.5. The Committee shall have authority to agree payment of remuneration and expenses to employees of the Committee.

20.6.The LPC shall have the authority to acquire any freehold or leasehold property for the purpose of carrying out any of its functions set out in paragraph 3.