CONSTITUTION of the

HERTFORDSHIRE LOCAL PHARMACEUTICAL COMMITTEE

known as COMMUNITY PHARMACY HERTFORDSHIRE

1. Definitions

In this Constitution –

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

‘’Approved Governance’’ means the governance practices and procedures advised by Community Pharmacy England and as amended from time to time in accordance with paragraph 14.

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

“Community Pharmacy England” means the Pharmaceutical Services Negotiating Committee or PSNC, the body referred to in section 165 (1) (a) of the National Health Service Act 2006, which the Secretary of State recognises as the representative of NHS community pharmacy contractors in England (from 1 April 2023, this is the name by which the Pharmaceutical Services Negotiating Committee is known).

“The Committee” and “LPC” mean the Local Pharmaceutical Committee recognised by NHS England 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.

“Integrated Care Board” (“ICB”) means the Integrated Care Board established by NHS England in accordance with the Health and Care Act 2022, or any successor organisation, with the function of arranging for the provision of services for the purposes of the health service in England.

“NHS England” (“NHSE”) means the body established under the Act and the Health and Care Act 2022, formerly known as the NHS Commissioning Board (NHSCB), or any successor organisation, by which the Committee is recognised under the provisions of section 167 of the Act; or, as appropriate, ICBs to which relevant duties have been delegated.

“NHS Matters” includes NHS Pharmaceutical Services commissioned by NHS England and NHS services commissioned under arrangements made with Local Authorities.

“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 NHS England in the area for which the Committee is formed, and where the person has notified NHS England of a request to be represented by the Committee (and has not notified NHS England of a request 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.

“Rules” means the Rules established by the LPC and as amended from time to time in accordance with paragraph 14.

“The Secretary of State” means the Secretary of State for Health and Social Care.

2. Name of Committee

The Committee shall be the “Hertfordshire Local Pharmaceutical Committee” (as required by the NHS Act 2006) and from 1 April 2023 known as ‘Community Pharmacy Hertfordshire’.

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’ or ‘Approved Governance’ and the ‘LPC Finance Guide’ published by Community Pharmacy England.

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, as appropriate, to report to all contractors represented by the Committee.

3.1.6. The Committee shall request NHS England 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 NHS England, the ICB and the 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 ICBs or HWBs listed in paragraph 4, the Committee shall ensure that there are adequate arrangements to ensure the representation of pharmacy contractors in those ICB or 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 NHS England, the ICB and the HWB on matters of importance to pharmacy contractors.

3.2.6. The Committee shall make representations to the Regional Representative of Community Pharmacy England 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 any postal or electronic votes). The Committee's assistance of such a body corporate shall include reasonable efforts to assist another LPC to support the interests of its contractors.

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 or electronic vote) at a general meeting.

3.3.6. The Committee shall consider any complaint made by any pharmacy contractor against another pharmacy contractor (in the area for which the Committee is formed) 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 area for 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 Community Pharmacy England 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.

4. Recognition of the Committee

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

- Hertfordshire Health and Wellbeing Board
- Hertfordshire and West Essex Integrated Care Board

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 extend to those that may be commissioned by other commissioners including 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 as 10, 11 or 12 members, provided that this properly represents the contractors in the area for which the LPC is formed.

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 the 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. A pharmacy 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, the CCA and AIMp contractors appointing members, shall be entitled to elect members to the Committee in accordance with the Rules.

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. If the proportion of the CCA or AIMp pharmacy contractors is insufficient to appoint a member, each pharmacy contractor may vote in an election as provided by Paragraph 5.7 but may not be a candidate in that election.

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 ICB or HWBs listed in paragraph 4, the Committee should, when appointing members under the provisions of paragraph 11.2, ensure where possible and proportionate that there is at least one member in each ICB or HWB area.

5.10. The regional representative of Community Pharmacy England, 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 a member of the Committee. The regional representative of Community Pharmacy England, 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 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 contractors 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 contractors as soon as practicable, and in any event with three months of any vacancy arising.

6.3. A pharmacy contractor entitled to appoint members under paragraph 5.5 shall, prior to any election, notify the Returning Officer whether the contractor wishes to appoint members, and if so, include the number of members the contractor 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. Meetings of the 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.

7.2. 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.

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

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

7.5. 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.

8. Quorum

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

8.2. 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.

8.3. If neither the Chair nor the Vice Chair of the Committee is 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.

9. Term of Office

9.1. Subject to paragraph 10 and the Rules, members of the Committee shall hold office from 1 April in the year of the election or appointment for a period of 4 years. *[Except that the term of office starting on 1 April 2022 shall be postponed until 1 April 2023, or to the date of the Committee starting in 2023, and current LPC members shall hold office for a period of 5 years or more.] [Except that the term of office starting in 2023 shall end on 31 March 2027.]*

9.2 The maximum period of office from 1 April 2023 for members of the Committee shall be 12 years, generally three terms of four years *[To include all membership of the Committee after 1 April 2023, but no membership of the Committee before that date.]*

9.3. In the event of a current or imminent pandemic disease that is a serious risk, or potentially a serious risk, to human health during the fourth year of a term of office, that period of office may be extended for a period of up to 12 months, if agreed by the Committee.

10. Disqualification or Retirement of Members

10.1. Where a member of the Committee was at the time of election a pharmacy contractor and then ceases to be a pharmacy contractor in the area for which the Committee is formed, the seat is vacated, although the person will be eligible for appointment by the Committee.

10.2. Where a member of the Committee was at the time of election or appointment acting on behalf of a pharmacy contractor and either the pharmacy contractor represented ceases to be a pharmacy contractor in the area for which the Committee is formed, or the pharmacy contractor on whose behalf the member is acting notifies the Committee that the member no longer acts on behalf of that pharmacy contractor, the seat is vacated, although the person will be eligible for appointment by the Committee.

10.3. Where a member of the Committee was at the time of appointment a representative of the CCA and the CCA notifies the Committee that the member no longer represents the CCA contractors, the seat is vacated.

10.4. Where a member of the Committee was at the time of appointment a representative of the AIMp and the AIMp notifies the Committee that the member no longer represents the AIMp contractors, the seat is vacated.

10.5. Where an elected or appointed member of the Committee has been absent from three consecutive ordinary meetings of the Committee to which the member was summoned, the Committee shall invite an explanation and declare the seat vacated, unless satisfied that the 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.

10.6. Notwithstanding paragraph 10.5 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 the seat vacated, unless satisfied that the 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.

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

11. Method of Filling Vacancies

11.1. Whereby 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.

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

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

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

11.5. 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.

11.6. 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.

11.7. 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.

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

12. Information to be sent to NHS England & Community Pharmacy England

12.1. The Chief Officer shall, as soon as practical, inform NHS England and Community Pharmacy England of the names and addresses of the persons appointed to the Committee and of changes arising from vacancies in the membership of the Committee.

12.2. The Committee shall on request, send to NHS England 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.

12.3. The Committee shall send to NHS England a copy of the Annual report prepared under paragraph 13.1 once it has been presented to the pharmacy contractors.

12.4. The Committee shall send to NHS England 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 NHS England for the payment of the Committee's expenses under paragraph 3.1.6.

13. Annual Report and Annual General Meeting

13.1. 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 practising certificate, and this report and statement of accounts shall be circulated to all pharmacy contractors and Community Pharmacy England within six months of the completion of the period to which the report relates.

13.2. 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 or electronic voting form to permit pharmacy contractors to cast a postal or electronic vote, whether to approve the accounts, will be provided in hard copy or be made available by email or on a website, as appropriate, should they be unable to attend the annual general meeting.

13.3. A postal or electronic 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.

13.4. A pharmacy contractor who has sent a postal or electronic vote may attend and vote at the annual general meeting but must notify the Chief Officer before casting any votes, the postal or electronic vote will then be invalid.

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

13.6. 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 or electronic vote exceed those votes cast opposing acceptance of the accounts, in person and by valid postal or electronic vote.

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

13.8 In paragraph 13.1 'circulated' includes circulating of hard copies, or by email or by publishing on a website and bringing to the attention of the intended recipients the web address at which the recipients are able to access the report.

14. Amendment of Constitution, Rules and Approved Governance

14.1. This Constitution may be amended only in accordance with the procedure in this paragraph and (on a transitional basis) paragraph 16.

14.2. 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.

14.3. The meeting summons will also include a voting form to allow the contractor to register a vote on the amendment by returning the completed form to the LPC Chief Officer at any time before the vote is taken at the meeting.

14.4. 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.

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

14.6. The Rules and Approved Governance may be amended by the Committee by a two-thirds majority of the total votes cast, except that Rule 3 may be amended only as if it were a part of the Constitution (by contractor vote).

14.7. The Chief Officer shall at the same time as issuing the summons under Paragraph 14.2, notify the Chief Executive Officer of Community Pharmacy England of any proposed amendment to the Constitution, Rules or Approved Governance and shall include a copy of the revised document.

15. Finance

15.1. 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.

15.2. The expenses of the Committee and, through the Committee, of Community Pharmacy England, shall be met by contributions from pharmacy contractors in the area for which the Committee is formed. Payments to Community Pharmacy England shall be by automatic payment and the Committee shall ensure that contractors in the area for which the Committee is formed are made aware of the amount of such payments.

15.3. 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.

15.4 The Committee shall publish details of payments made under paragraph 15.3, any payments made for pooled resources under paragraph 3.1.4., and any loans used for the establishment or assistance of bodies corporate established under paragraph 3.3.4, with the Accounts presented with the Annual Report.

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

15.6. The Committee 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.

16. Transitional provisions

16.1. The Committee established prior to 1 January 2022 continues for the remainder of its term of office, and until a new committee is elected and appointed as provided for in the Constitution and Rules.

16.2. Amendments to the Constitution may be made by a two-thirds majority of the Committee, as part of implementing the Pharmacy Representation Review (RSG) recommendations approved by pharmacy contractors in England in 2022, provided that those proposed amendments have been agreed in advance by Community Pharmacy England, following consultation with LPCs generally.

RULES of the

HERTFORDSHIRE LOCAL PHARMACEUTICAL COMMITTEE

known as COMMUNITY PHARMACY HERTFORDSHIRE

1. These Rules are the Rules agreed by the Committee in accordance with the Constitution and the definitions in the Constitution apply to the Rules.

2. Fit and Proper Person

2.1. 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.

2.2. Members or officers may be elected or appointed to the Committee on their own account, or may be acting on behalf of a pharmacy contractor.

2.3. To ensure that the obligation in 2.1. is satisfied, the Committee may suspend or remove from membership any member or officer who personally or, where the member or officer is acting on behalf of a pharmacy contractor, that contractor-

2.3.1. is suspended or removed from a pharmaceutical list;

2.3.2. has been suspended or removed from a register by a professional or regulatory body;

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

2.3.4 has been subject to any relevant sanction affecting fitness to be a member of the LPC or fitness to practise.

2.4. 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.

2.5. 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.

2.6. A member or officer may be suspended from the Committee under paragraph 2. if subject to investigation by any relevant body and the subject of any interim order or relevant decision or determination.

2.7. A person removed from the Committee under paragraph 2. shall be ineligible for election or appointment to the Committee for the remainder of their term of office and the Committee may consider the person ineligible for the subsequent term of office.

3. Election to the Committee

3.1. 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 of the Constitution.

3.2. 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.

3.3. Electors

3.3.1. Every pharmacy contractor (other than members that have exercised their rights to appoint members under paragraph 6.3 of the Constitution) shall be an elector and shall be entitled to participate in the election.

3.3.2. Each elector shall be entitled to one vote for each of the elector's pharmacy contractor premises in the area for which the Committee is formed, and be asked to complete a voting form for each such premises.

3.4. Returning Officer

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

3.4.2. 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 the duties of the Returning Officer that are set out in this Constitution.

3.4.3. 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 the CCA member companies in the area for which the Committee is formed; the 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 of the Constitution, together with the number of its premises. The numbers shall be those existing on 31 October in the year preceding the election, or an appropriate date.

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

3.4.5 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.

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

3.4.7 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.

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

3.4.9. 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.

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

3.4.11. 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.

3.5. Nominations

3.5.1. 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.

3.5.2. 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 AIMp, or have a beneficial ownership in any pharmacy multiple that has exercised its right to appoint members to the Committee under paragraph 6.3 of the Constitution.

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

3.5.4. 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.

3.5.5. 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 or electronic ballot shall be held.

3.5.6. 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.

3.6. Ballot

3.6.1. 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.

3.6.2. 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.

3.6.3. The voting papers shall be accompanied by the relevant information from the nomination forms.

3.6.4. 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.

3.6.5. 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.

3.6.6. 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.

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

3.6.8. 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.

3.6.9. 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.

3.6.10. Where any document is, under the Constitution and 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.

3.6.11. If the Returning Officer is satisfied that arrangements can be made for secure electronic ballot, the ballot may be conducted electronically, with appropriate adjustment to the ballot procedure described above.

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

3.8. 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.

4. Appointment of Officers

4.1. The Committee shall appoint a Chair who need not be a member of the Committee.

4.2. The Committee shall appoint a Vice-Chair who need not be a member of the Committee.

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

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

4.5. The Chief Officer shall notify all such appointments to NHS England and to Community Pharmacy England.

4.6. In the event of the death, resignation or removal from office of the Chair, Vice-Chair, Treasurer or Chief Officer so appointed, the Committee shall appoint a person to act in that person’s place.

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

4.8 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.

5. Duties of Officers

5.1. The duties of the Chair are to chair meetings of the LPC and where appropriate to lead delegations in meetings with NHS England, the ICB and the HWB and other organisations as appropriate.

5.2. The duties of the Vice-Chair are to deputise for the Chair in case of absence or at the request of the Chair.

5.3. The duties of the Treasurer are to be accountable for the proper management of all aspects of LPC finances and the payment of the levy to Community Pharmacy England.

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

6. Management of the Committee

6.1. 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 the Constitution and Rules, and in compliance with the

principles of good governance.

6.2. The Committee may determine how it meets, which may include virtual meetings and, as appropriate, decisions may be made where there is virtual participation of members or the whole Committee meets virtually. Decisions may be made by e-mail, as appropriate.

6.3. The Committee may ask Community Pharmacy England to mediate if problems cannot be resolved satisfactorily.

7. Suspension / removal of members for breach of governance

7.1. 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.

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

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

7.4. 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.

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

7.5.1. To take no further action;

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

7.5.3. To suspend the member from the Committee for a specified period; or

7.5.4. 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 or 12 months, whichever is the greater.

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