

Council meeting 1 & 2 February 2005

OPEN BUSINESS

## **Regulations for election of Council members and appointed Council members**

### **Purpose**

To receive a report on progress with gazetting of the regulations relating to Council elections and appointed Council members

### **Recommendation**

Council is asked to receive the report.

#### **1. Background**

In December 2004 Council was informed that the election regulations required to be published for 60 days under the new Charter, which came into force on 7 December 2004. This was effected on 11 December 2004 and the period of gazetting will conclude on 9 February 2005, following which the responses received will be forwarded to the Privy Council.

#### **2. Comments received**

There have been five responses during the current gazetting period. Three of these were from individual pharmacists (two of them from the same person) and two from groups (the Association of Pharmacy Technicians UK and the Institute of Pharmacy Management International).

There was one response received in the previous gazetting period under the old Charter which is relevant and should be included from the Guild of Healthcare Pharmacists.

#### **3. Submission to the Privy Council**

The Council agreed in December 2004 that following the publication of the regulations for 60 days, the President would confirm the regulations on the Council's behalf for submission to the Privy Council.

Ann Lewis  
Secretary & Registrar

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**Private & Confidential**

## **Regulations for election of Council members**

### **Purpose**

To consider a clarifying amendment to the regulations for election of Council members.

### **Recommendation**

That the Council agrees the proposed amendment to the regulations.

### **1. Background**

- 1.1 In December 2004, the Council agreed regulations governing elections to the new Council. These were subsequently published for the required 60 day period under the new Charter. The regulations are due to be submitted shortly to the Privy Council for formal approval following confirmation by the President on behalf of the Council.
- 1.2 A query has arisen relating to the position of current Council members who wish to stand in the 2005 election and have already served three consecutive terms of office. The relevant paragraphs of the proposed regulations are 1.8 (8)-(11):
- (8) No person may be elected as a member of the Council for more than three consecutive terms of office, each of up to three years.
  - (9) Any member of the Council elected in the first election who has served six or more consecutive years on the Council immediately prior to that election shall be eligible to serve only one consecutive term from the Effective Date.
  - (10) Any member of the Council elected in the first election who has served less than six consecutive years on the Council immediately prior to that election shall be eligible to serve three consecutive terms from the Effective Date.
  - (11) No person who has served as a member of the Council for three consecutive terms of office shall be eligible for re-election until a period of three years after leaving office has expired.
- 1.3 The Privy Council's view is that members of governing bodies should not generally serve more than three consecutive terms. However, it was agreed that draft paragraphs 1.8 (9) and (10) should provide an exception to this so as to permit a

reasonable degree of continuity between the existing Council and the new Council. Under these provisions, any current Council member would be able to stand in the 2005 election, subject only to being restricted to one further term of office if she or he had served six or more consecutive years on the Council to date.

- 1.4 The question has been raised as to whether it is sufficiently clear that draft paragraph 1.8 (11) (ie. fallow period after three terms of office) should not therefore operate to exclude any existing Council member from standing in this year's election. The Privy Council's advisers have said that, in order to clarify this, the material in paragraphs 1.8 (8)-(11) should be re-ordered slightly as follows:

- (8) Subject to paragraphs (9) and (10) below:
- (a) No person may be elected as a member of the Council for more than three consecutive terms of office, each of up to three years.
  - (b) No person who has served as a member of the Council for three consecutive terms of office shall be eligible for re-election until a period of three years after leaving office has expired.
- (9) Any member of the Council elected in the first election who has served six or more consecutive years on the Council immediately prior to that election shall be eligible to serve only one consecutive term from the Effective Date.
- (10) Any member of the Council elected in the first election who has served less than six consecutive years on the Council immediately prior to that election shall be eligible to serve three consecutive terms from the Effective Date.

- 1.5 If the Council is content with this clarification, the proposed regulations will be amended accordingly before being confirmed by the President on the Council's behalf at the end of the gazetting period. They would then be submitted to the Privy Council.

## **2. Risk implications**

- 2.1 If the regulations are not amended as proposed, there is a risk that draft paragraph 1.8 (11) could be construed as excluding some current Council members from standing in this year's election. This would endanger the scope for a reasonable degree of continuity between the existing Council and the new Council.

## **3. Resource implications**

- 3.1 There are no relevant resource implications.

## **4. Recommendation**

That the Council agrees the proposed amendment to the regulations.

Christine Gray  
Head of Corporate Governance