



PRELIMINARY AGENDA

Autumn Conference

Saturday, 14 October 2017

**The Beaconsfield School, Wattleton Road
Beaconsfield, Bucks HP9 1SJ**

DIARY

20 September 2017	Deadline for amendments to policy resolutions
29 September 2017	Deadline for £20.00 <i>Early Bird</i> bookings
9 October 2017	Deadline for amendments to business resolution
9 October 2017	Deadline for submission of emergency resolutions

BUSINESS RESOLUTION

BUDGET 2018-2021 AND ACCOUNTS

Proposed by South Central Region Executive Committee

- 1 Conference:
- 2 1. adopts the 2018-2021 Budget;
- 3 2. appoints the independent inspector for 2017 accounts;
- 4 3. approves the inspected accounts for 2016.

POLICY RESOLUTIONS

1. LEASEHOLDERS' RIGHTS UNDER LOCAL AUTHORITY FREEHOLD

Proposed by South Central Regional Policy Committee

1 Conference notes that:

- 2 1. Leaseholders with local authority freeholders have fewer rights and mechanisms to avoid major
3 charges;
- 4 2. Leaseholders on council estates are already paying maintenance charges, and may then be
5 charged significant sums for major works anywhere in their block, including upgrade and
6 regeneration projects for entire estates;
- 7 3. Costs beyond £15,000-£25,000 have been charged to individual leaseholders by some councils;
- 8 4. Legislation intended to protect leasehold owners from these charges, such as cost capping or the
9 right to request alternative contractors, often does not apply to leaseholders of local authority-
10 owned freeholds.

11 Conference also notes that:

- 12 1. Leaseholders under a local authority freehold have no practical legal remedy for abuses in service
13 charge collection, since the council itself is charged with prosecuting private landlords for these
14 offences;
- 15 2. Caps limiting charges to £10,000 (£15,000 in London) over a 5-year period currently apply only
16 if repairs are partially funded by a central government grant;
- 17 3. Councils have an obligation to provide an estimate of individual service charges for five years in
18 advance only;
- 19 4. The 'right to enfranchise' legislation is difficult for council leaseholders to exercise in practice,
20 since at least two thirds of the flats in the building must be owned by private leasehold owners and
21 not let to council tenants;
- 22 5. That although there are non-legal remedies available to local authority leaseholders, these may be
23 difficult for many leaseholders to obtain.

24 Conference calls for:

- 25 1. The Government to set up a consultation on councils having sinking funds/contingency funds so
26 leaseholders are not required to pay sudden large costs for major works;
- 27 2. Local authorities to apply caps to the costs incurred by individual leaseholders, even where there
28 is no government funding;
- 29 3. The Government to review how to allow leaseholders to better hold local authority freeholders to
30 account for their legal obligations.

2. EQUAL RIGHTS FOR MENTAL HEALTH PATIENTS

Proposed by South Central Regional Policy Committee

1 Conference notes that:

2 A. In May 2017, the Prime Minister described the 1983 Mental Health Act as "outdated",
3 "discriminatory" and "unfit for purpose", and promised to repeal it and replace it with new
4 legislation. In June 2017, the Queen's Speech promised to "reform mental health legislation".

5 B. Current UK law treats physical and mental health differently. Physical health patients cannot be
6 forcibly treated unless they lack capacity (the ability to make their own decisions), and they can
7 make "advance decisions" about what will happen if they lose capacity, as defined in the Mental
8 Capacity Act 2005. However, mental health patients do not have these rights: under the 1983 Act,
9 they can be forcibly detained and treated even if they have capacity, and even if they've made an
10 advance decision to refuse treatment.

11 C. If a person has a "mental disorder" (which includes Asperger's syndrome and learning
12 disabilities), they can be forcibly detained and treated, but people without one can't be, even under
13 the exact same circumstances. In some cases, including cases in the South Central region, having a
14 childhood diagnosis of Asperger's has allowed people to be forcibly detained for months, while they
15 could not have been detained at all without this diagnosis.

16 D. Mind, a mental health charity, has argued that detaining people based on disability is
17 discriminatory, and in breach of the UN Convention on the Rights of Persons with Disabilities. It
18 has called for replacing the "mental disorder" test with a "mental capacity" test, as defined in the
19 Mental Capacity Act 2005, so that mental health and physical health are treated equally, and people
20 with disabilities or "mental disorders" are not discriminated against.

21 Conference believes that:

22 i) Mental health patients should have the same rights as physical health patients.

23 ii) Everyone has the right to control their own life. A person should never be forced to receive
24 treatment, unless they do not have the capacity to make that decision.

25 iii) Detaining people on the basis of disability or "mental disorder", rather than capacity, is
26 discriminatory, contributes to stigma and discourages people from being open about their mental
27 health.

28 Conference calls on the Government to reform the Mental Health Act to ensure that:

29 1. The "mental disorder" test for involuntary detention and treatment is replaced with a "mental
30 capacity" test, so that a person cannot be involuntarily detained or treated unless they lack capacity,
31 as defined in the Mental Capacity Act 2005.

32 2. Advance decisions, as defined in the Mental Capacity Act 2005, can be applied to mental health
33 conditions, including an advance decision to refuse detention and/or treatment.

34 Conference reiterates its support for the Liberal Democrat policy of ensuring that mental health
35 services are fully funded, so that people can be given care without unnecessarily having to be
36 detained.