The Law Society's Diploma in Local Government Law and Practice
Prospectus 2020 – 2021

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1. About the Diploma

In 1983 the Council of the Law Society approved the creation of a Diploma in Local Government Law and Practice. Since the demise in 1979 of the optional paper in Local Government Law in the Final Examination, the Society and its Local Government Group had been working together to provide a specialist course for solicitors working in local government. The Diploma has been expanded to offer the same opportunity to certain solicitors and barristers doing local government work in law firms in the private sector.

The Society believes that local government practice will benefit from a comprehensive course specially designed to enhance the competence of solicitors and barristers in this field. The Diploma can be used to demonstrate your continuing competence for solicitors. Holders of the Diploma are entitled to use the designation Dip.L.G.

The object of the Diploma is to encourage the mastery of those principles of law, particularly local government law, which are essential for local government lawyers. Moreover, the course will study the problems of practice and administration which confront lawyers in local government. Throughout the course candidates will be required to undertake practical projects which will combine legal, administrative and political issues, which will demand knowledge of organisational structure and procedures and raise problems of formulating, influencing and implementing policy. These projects will take account of the special responsibilities of officers in local government in their relationships with elected members and with the public. Projects can be undertaken with reference to law in either England or Wales. At the end of the course there will be a written examination on local government law and practice.

There will be more emphasis on local government finance, central-local government relations, councillor-officer relationships and practical problems in local government than would ordinarily be found in a conventional course on local government law.

The course is administered by the Law Society. This prospectus gives further details but if you have any specific queries relating to it that are not covered in the following pages, please contact the accreditation office at the Law Society.

1.1. Regulations

The Diploma assessment and award regulations can be found on the Law Society website.
### 1.2. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accreditation Office</td>
<td>The Diploma course administrator at the Law Society.</td>
</tr>
<tr>
<td>Assistant Examiner</td>
<td>The person appointed as such by the Diploma Board.</td>
</tr>
<tr>
<td>Assistant Project Assessor</td>
<td>The person appointed as such by the Diploma Board.</td>
</tr>
<tr>
<td>Barrister</td>
<td>A barrister called by one of the four Inns of Court who has completed 12 months pupillage and has not been suspended from practice by the Bar Council.</td>
</tr>
<tr>
<td>Board</td>
<td>The Law Society’s Diploma in Local Government Law and Practice Board</td>
</tr>
<tr>
<td>Candidate</td>
<td>A candidate for the Diploma who has enrolled for the course under the Regulations.</td>
</tr>
<tr>
<td>Chairperson</td>
<td>The person elected as such of the Diploma Board.</td>
</tr>
<tr>
<td>Chartered legal executive</td>
<td>A Chartered Legal Executive is a lawyer who has followed one of the prescribed routes to qualification set out by the Chartered Institute of Legal Executives (CILEx)</td>
</tr>
<tr>
<td>Chief Examiner</td>
<td>The person appointed as such by the Diploma Board.</td>
</tr>
<tr>
<td>Chief Project Assessor</td>
<td>The person appointed as such by the Diploma Board.</td>
</tr>
<tr>
<td>Course</td>
<td>The Diploma in Local Government Law and Practice Course, administered by the Law Society, leading to an award of the Diploma by the Society.</td>
</tr>
<tr>
<td>Diploma</td>
<td>The Law Society’s Diploma in Local Government Law and Practice Diploma awarded by the Law Society to those who are eligible and submit an application following successful completion of the Diploma course.</td>
</tr>
<tr>
<td>Diploma Board</td>
<td>The Law Society’s Diploma in Local Government Law and Practice Board</td>
</tr>
<tr>
<td>Examination</td>
<td>The two-part examination, each part being of 2 hours 15 minutes’ duration, held normally in June.</td>
</tr>
<tr>
<td>Projects</td>
<td>The course projects required to be submitted by candidates. A written assessment of approximately 4,000 words.</td>
</tr>
<tr>
<td>Regulations</td>
<td>The Law Society’s Diploma in Local Government Law and Practice Assessment and Award Regulations (approved by the Membership Board in 2017).</td>
</tr>
<tr>
<td>Society</td>
<td>The Law Society.</td>
</tr>
<tr>
<td>Solicitor</td>
<td>A solicitor of the Supreme Court not currently suspended from practice by the Higher Court, the Court of Appeal or the Solicitors’ Disciplinary Tribunal.</td>
</tr>
<tr>
<td>Trainee solicitor</td>
<td>Any person receiving training under a training contract.</td>
</tr>
<tr>
<td>Training contract</td>
<td>A written contract between a training establishment and a trainee solicitor which complies with the 2011 Training Regulations or the Training Regulations 2014 or for Trainees registered since 25 November 2019, the Authorisation of</td>
</tr>
</tbody>
</table>
1.3. Eligibility to enrol on the course

Applicants are eligible to apply for enrolment onto the Diploma course if you belong to one of the following categories. Your application will not be accepted if you do not fall within one of these categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Application Method</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category 1</strong></td>
<td>Solicitors, trainee solicitors, chartered legal executives and barristers currently working in a local authority.</td>
<td>Complete the Diploma Application Form and pay the course fee. You should pay the course fee by 14 August 2020.</td>
</tr>
<tr>
<td><strong>Category 2</strong></td>
<td>Solicitors, trainee solicitors, chartered legal executives and barristers who, whilst not working for a local authority, nevertheless work for an analogous agency or authority.</td>
<td>Complete the Diploma Prerequisite Form. The Board will consider your application and confirm your acceptance onto the course. Once accepted, you should pay the course fee by 14 August 2020.</td>
</tr>
<tr>
<td><strong>Category 3</strong></td>
<td>Solicitors, trainee solicitors, chartered legal executives and barristers employed by a law firm whose experience enables them to meet the criteria set out in section 1.4 - Eligibility for the award of the Diploma*.</td>
<td>Complete the Diploma Prerequisite Form. The Board will consider your application and confirm your acceptance onto the course. Once accepted, you should pay the course fee by 14 August 2020.</td>
</tr>
</tbody>
</table>

1.4. Eligibility for the award of the Diploma

Please note that the fact that you are eligible to enrol for the course does not mean that you are automatically eligible for the award of the Diploma. For this, you must be either a solicitor, a chartered legal executive or a barrister and:

1. Complete the course projects satisfactorily; and
2. Pass the Diploma examination; and
3. Have either:
   
   a) Two years’ experience in local government with a local authority as defined in section 270(1) of the Local Government Act 1972 (or a public body or agency which the Diploma Board considers to be sufficiently similar); or
   b) Two years’ practical experience in local government work in a law firm that carries out local government work.

The practical experience must be obtained as a solicitor, trainee solicitor, chartered legal executive or barrister. Experience previous to these roles will not be considered.

Paragraph 3(b) provides a route whereby candidates working for law firms in private practice may enrol for, and be eligible for the award of, the Diploma. As indicated above, if this applies to you, you must first complete a prerequisite form. You may later be required to provide a diary or
portfolio describing the work you have been doing for the relevant two-year period. The accreditation office will advise you whether this is necessary after receiving your prerequisite application. In preparing such a portfolio, you would be expected to respect the rules of client confidentiality and professional privilege. However, you must nonetheless be able to provide sufficient details of what you have been doing to enable the Board to assess whether you are eligible.

1.5. Prerequisite application

If you are required to submit a prerequisite form and portfolio work in order for the Diploma Board to determine whether you are eligible to be enrolled and awarded the Diploma, the Diploma Board needs to be satisfied that you have “genuine local government law experience”. In other words: whether you are sufficiently engaged in work for, or on behalf of, Local or analogous Public Authorities. The Diploma Board will consider particularly:

- the nature of the work that you carry out for the public sector;
- its duration;
- its variety;
- the proportion of your overall working time that is devoted to this sector.

Whether you qualify under paragraph 3(a) or 3(b) you should appreciate that you will undoubtedly find the course hard if you have little or no practical experience of local government work.

It is your responsibility to ensure that, if you pass the Diploma examination, you will ultimately be eligible to be awarded the Diploma.

Enquiries concerning eligibility should be addressed in the first instance to the accreditation office at the Law Society; these will be referred to the Diploma Board if necessary.

1.6. Requests for deferrals

If you wish to defer one or more projects or the examination from the course of the year of entry to the programme, you should put this request in writing to the accreditation office at the Law Society, stating the reasons for your application. If this request is accepted, you will be permitted to defer the specified project(s) and/or examination to the following year of the programme. Please see fee schedule in section 3. The Law Society will not refund any course fee where an application to defer is refused and applicants may only defer once.

Please note, once enrolled onto the course, should you wish to transfer to the next year’s Diploma this will be treated as a deferral regardless of whether or not the first project has been issued.
2. The course

The course has two components: the submission of three written projects and a written examination. It is not a tutored distance learning course but, instead, a self-study Diploma and those enrolling should expect to work in partnership with their employer to broaden their knowledge of the topics contained in the syllabus and current changes in local government law and practice.

2.1. Benefit and relevance of the course

The object of the Diploma is to encourage the mastery of those principles of law, particularly local government law, which are essential for local government lawyers. Recent graduates of the course have told us that the course:

- raises awareness of current issues in local government law
- fosters an understanding of corporate issues and specialised areas
- provides an impetus for reading which has proved useful
- gives an insight into areas of which you may not have experience
- boosts self-confidence
- stands as proof of ability, dedication and commitment to local government work
- makes you a better local government lawyer
- helps with applications for senior posts

2.2. Annual seminar

It is intended a seminar will be held in London in December 2020. This occasion will be an opportunity for you to meet other students and the Board members. Guidance will be given on matters relating to preparation of the projects and examination and there will be sessions on topics of particular relevance to local government legal matters. Past students have found the day very helpful and informative and so, although attendance is optional, you should try to come along if possible. An invitation will be sent to you in November. In previous years, there has been no preliminary reading or coursework for this seminar and session handouts are provided on the day.

2.3. Contact with other candidates

You will have an opportunity to meet other students and some members of the Diploma Board at the seminar in December. It will also be possible for you to contact other students on an informal basis, and should you wish, a list of names and addresses of participants will be sent out early in the course. Inclusion on the list is optional.

2.4. Help during the course

You may contact the accreditation office at the Law Society if you require guidance with preparation of a project or with revision for the examination. If necessary, your query will be considered by the relevant member of the Diploma board and an answer will be supplied to you.

2.5. Time needed for studying

Unless one of your colleagues has already completed the Diploma, you may be wondering how much time you will need to spend studying. Former students seem to have spent on average about 7 hours a week on the course. Clearly this varies from person to person, and the time needed will increase in the weeks just before the examination.

2.6. Projects

You will need to complete three projects successfully during the 2020-2021 course. Each project will consist normally of one lengthy problem question. Specimen project questions can be found in
section 5.2.

You will be expected to undertake extensive research and reading over a period of about two months and to submit a paper of about 4,000 words (approximately ten typed pages depending on type face and margins) on each project. You will be sent guidance notes on project preparation with the acknowledgement of your enrolment.

The submission dates for projects are:

<table>
<thead>
<tr>
<th>Project Available</th>
<th>Submission Date</th>
<th>Expected Date for Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project 1</td>
<td>7 September 2020</td>
<td>19 October 2020</td>
</tr>
<tr>
<td>Project 2</td>
<td>16 November 2020</td>
<td>04 January 2021</td>
</tr>
<tr>
<td>Project 3</td>
<td>08 February 2021</td>
<td>29 March 2020</td>
</tr>
</tbody>
</table>

The projects will be returned with feedback from the Chief Projects Assessor. If you do not complete the three projects satisfactorily or exceed the time allowed for submission you may not be permitted to proceed to the examination.

2.7. Examination

The examination will be held on Wednesday 2 June 2021 and is handwritten.

There will be one paper divided into two parts, each part being of two and a quarter hours’ duration; Part I to be completed in the morning and Part II in the afternoon. A specimen examination paper can be found at section 5.5. The examination will be “open book” i.e. you will be allowed to have books or other written material with you, you can also use a PC with internet access. All candidates will be required to complete a signed statement confirming non-use of e-mail and social networking programs during the examinations. The examination is not intended primarily as a memory test, although a good grasp of the subject matter of the course will be necessary. Materials particularly recommended to be taken into the examination are indicated on the Reading List as section 5.1.1 and in the examination arrangements at section 6.

2.8. Examination arrangements

We hope that you will be able to make suitable arrangements to sit the examination on your own authority’s premises or at the premises of an adjoining authority, and the Examination rules and Examination arrangements provide for this. The Examination documents will be sent to your invigilator shortly before the examination date asking for confirmation that the relevant conditions can be fulfilled; you will find the standard form letter which is sent to your invigilator and a specimen of the certificate which s/he is asked to provide in this prospectus. If you are not happy with the arrangements, please contact the accreditation office at the Law Society. You are not required to complete an entry form for the examination; you will be notified as to your eligibility after the third project has been assessed. If you have not received a letter to this effect by 24 May 2021 you should contact the accreditation office at the Law Society.

If, for personal reasons, you find you cannot take the examination please let the accreditation office know as soon as possible so that examination arrangements can be cancelled.

2.9. Marking scheme

As you have read previously, the Diploma consists of three projects and a final written exam. In order to be awarded the Diploma in Local Government Law, you must pass all the set projects and exam and be eligible for the award.
To pass each project you must achieve 45% or more. The exam's pass mark is 50% and above. Please also refer to the assessment and award regulations on the Law Society's website for more information. Having completed all three projects and the exam, the overall mark of the Diploma is the average of all your marks combined.

There are three ways to achieve a distinction:

a) 70% pass mark in the exam + 65% project average (where all completed in the same year);
b) 70% project average + 65% pass mark in the exam (where all completed in the same year);
c) 70% overall average mark (where all projects and exam completed in the same year).

2.10. Special conditions

If you have any special conditions relating either to the examination or the projects, please enclose full details of your needs with your application form together with supporting medical or other evidence. In the light of the examination arrangements outlined above, these are most likely to relate to having papers prepared in extra-large font or an allowance of extra time for the examination. The accreditation office will contact you on receipt of the application and discuss what arrangements can be made for you.

2.11. Relationship of the examination and the projects

As mentioned above, you will not be allowed to sit the examination if you have not completed the projects satisfactorily. However, good work on the projects may be taken into account in assessing your examination papers.

A candidate who has not completed the all the projects may still be able to take the exam provided they are able to defer, as explained at section 1.6.

2.12. Prizes

A prize of £250 will be awarded by the Local Government Legal Society Trust to the best candidate from local government who reaches a standard approved by the Diploma board in all aspects of the course. A further prize of £100 will be awarded by the Law Society to a second candidate. In the event that the first candidate is from private practice both prizes will be awarded by the Law Society.

2.13. Publication of the results

It is expected that the results will be published on or after 17 September 2021. The results will be emailed to all candidates on the email address provided at enrolment.


Each successful candidate will be sent an application form for the award of the Diploma on which the candidate will be asked to certify his/her eligibility for it (i.e. to certify that he/she is a solicitor or barrister and has the practical experience required by regulation 39 of the Diploma in Local Government Law and Practice assessment and award regulations.
3. Fees, bursaries and enrolment

3.1. Course and deferment fees

The relevant fees are set out below. No further fee is payable for the award of the Diploma although a candidate who is required to re-sit the examination will be charged a fee for their re-sit.

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee</th>
<th>VAT</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course fee and examination</td>
<td>£1,600.00</td>
<td>£320.00</td>
<td>£1,920.00</td>
</tr>
<tr>
<td>Deferment fee (one year)</td>
<td>£258.00</td>
<td>£51.60</td>
<td>£309.60</td>
</tr>
<tr>
<td>Re-sit fee</td>
<td>£258.00</td>
<td>£51.60</td>
<td>£309.60</td>
</tr>
</tbody>
</table>

3.2. Bursaries

If your local authority is unwilling to meet your fees, you may apply to the Local Government Legal Society Trust Fund for a bursary. Current contact details are available from the accreditation office. You should be aware that the Fund will not meet the full cost of the course and so you will need to be prepared to self-fund to an extent.

3.3. Application and enrolment

There are a limited number of places on the Diploma course each year and the deadline for enrolment is **14 August 2020**. Enrolments received after this date may be accepted on a first-come first-served basis until this maximum is reached. Payment for the Diploma should be made at the time of application and your enrolment will not be complete until payment has been received.

Please see section 1.3 for your eligibility to enrol on the course and guidance on which of the three application methods is most suitable for you:

- **Category one**: Application form
- **Category two**: Prerequisite form
- **Category three**: Prerequisite form

Full instructions on how to apply are provided in the application form. If you need to submit a prerequisite form or need the board to confirm your eligibility for the Diploma you are advised to apply as early as possible.

The course starts on **7 September 2020** and you will be sent your first project. Enrolments received after the first project has been sent to candidates will not be allowed extra time to submit their first project.

4. Professional Development

The Diploma can form part of your career development, whether as part of a structured personal development plan supported by an employer, or to evidence expertise in the local government sector demonstrating your continued competence to your professional regulator. Past students have also used the Diploma to support applications for promotions or job applications.
## 5. Syllabus

The syllabus for the 2020 – 2021 year is set out below.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The structure of local government</strong></td>
<td>The current structure. Proposals for change and the procedures by which change is affected. The role of the Electoral Commission in respect of the areas and status of local authorities. Elections and the electoral system. The acquisition of powers with particular reference to local legislation. Community right to challenge.</td>
</tr>
<tr>
<td><strong>The administrative machinery of local authorities</strong></td>
<td>Constitution of councils, joint authorities, committees, sub-committees, working parties. Executive arrangements under Part II of the Local Government Act 2000, as modified by the Localism Act 2011. Partnerships with public, private, community and voluntary sector agencies. The role of political groups.</td>
</tr>
<tr>
<td><strong>The calling and conduct of meetings</strong></td>
<td>The decision-making process, including key decisions. Delegation. Ratification of decisions not the subject of delegation. Rights of the public in relation to meetings.</td>
</tr>
<tr>
<td><strong>Duties as to the provision of information</strong></td>
<td>Freedom of Information Act 2000 and the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.</td>
</tr>
<tr>
<td><strong>The role of the Local Government Ombudsman and the Public Services Ombudsman for Wales</strong></td>
<td>Rights and duties of members of local authorities.</td>
</tr>
<tr>
<td><strong>Local Enterprise Partnerships and co-operation between Authorities</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Entities connected with local authorities; corporate governance</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Land acquisitions</strong></td>
<td>Powers, procedures, compensation. Assets of community value</td>
</tr>
<tr>
<td><strong>By-law making powers</strong></td>
<td>The making and validity of by-laws.</td>
</tr>
</tbody>
</table>
Local authority finance | Expenses and receipts, capital expenditure (including PFI, PPP), central control and finance, reserves, pensions. Audit, including the responsibility and powers of auditors. Codes of practice. Public rights at audit. The fiduciary duty of authorities.

Local authorities and the courts | The nature and extent of judicial control. The exercise of discretion. Failure to exercise a discretion. The abuse of discretion. The application by the courts of the principles of natural justice to local authority decision-making. Remedies, with particular reference to the process of judicial review. The Human Rights Act 1998.

Legal proceedings by and against local authorities | In contract, tort or otherwise.

5.1. Reading list and sources 2020 - 2021

As you will see, this is extensive. The recommended reading is not intended to be comprehensive, but to indicate the range of reading thought necessary for a proper understanding of the content of the course.

Cross on Local Government Law by Stephen Bailey is essential reading. The other works on the list are for reference when preparing your projects and revising for the examination. The list is not exhaustive; the object of your reading should be to give you a good all-round knowledge of local government law and practice. It is not intended that candidates should refer to all books mentioned on the list.

All the books on the list should be available in your authority’s library, or through a public library or possibly, if you are working for a District Council, from your County Council.

5.1.1 Recommended reading

Prices and contact details shown in this section are for purchase from the publisher. Candidates may also find these texts available through alternative sources.

You are most strongly advised to take the following into the examination room

<table>
<thead>
<tr>
<th>Author</th>
<th>Publication Title</th>
<th>Purchase Details</th>
<th>Cost</th>
</tr>
</thead>
</table>

You are also advised to consult the *Encyclopaedia of Local Government Law* on matters relevant to your course. In preparing for the examination it is suggested that candidates should start by reading the chapters in Cross (loose leaf) relevant to the syllabus and should ensure that they prepare sufficient topics to be able to answer at least six questions in the examination. You are likely to find it helpful to have Cross (loose leaf) and the Encyclopaedia by you in the examination.

5.1.2 Other general works of reference

Specialist works on aspects of Local Government law

<table>
<thead>
<tr>
<th>Author</th>
<th>Publication Title</th>
<th>Purchase Details</th>
<th>Cost</th>
</tr>
</thead>
</table>
Works on judicial review

<table>
<thead>
<tr>
<th>Author</th>
<th>Publication Title</th>
<th>Purchase Details</th>
<th>Cost</th>
</tr>
</thead>
</table>

Extracts of the leading cases on judicial review can be found in the following case book

<table>
<thead>
<tr>
<th>Author</th>
<th>Publication Title</th>
<th>Purchase Details</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>S H Bailey</td>
<td>Cases, Material and Commentary on Administrative Law (5th ed, 2018)</td>
<td>ISBN 9780414062528, Sweet &amp; Maxwell</td>
<td>£49.95</td>
</tr>
</tbody>
</table>

Extensive coverage of judicial review and some discussion of local government law may be found in the leading administrative law textbooks

<table>
<thead>
<tr>
<th>Author</th>
<th>Publication Title</th>
<th>Purchase Details</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Craig</td>
<td>Administrative Law, 8th ed., 2016</td>
<td>ISBN 9780414055681, Sweet &amp; Maxwell</td>
<td>£49.95</td>
</tr>
</tbody>
</table>

Law reports

Reports of relevant cases may be found in the general series of law reports and in such specialist series as Butterworths Local Government Reports and the Administrative Court Digest.

Brief law reports of relevant cases are found in The Times and full texts of many cases are available free online (see section 5.1.3 - Current awareness).
5.1.3 Current awareness

Journals

The nature of the examination questions may well be influenced by recent developments and you are strongly advised to keep up to date with recent cases, commission reports, practice guidance notes, articles in legal journals, and updates to loose-leaf services. Suggested titles are as follows:

<table>
<thead>
<tr>
<th>Local Government Chronicle</th>
<th>Municipal Journal</th>
<th>New Law Journal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Law</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Online sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LexisNexis, Westlaw, Justis</strong> and Lawtel (now <strong>Sweet &amp; Maxwell</strong>) for general law</td>
<td>Subscription only databases</td>
</tr>
<tr>
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<td><a href="http://www.localaw.co.uk">www.localaw.co.uk</a> Available to subscribers to the Sweet &amp; Maxwell Local Government Library</td>
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<td><a href="http://www.casetrack.com">www.casetrack.com</a> Subscription online source for full-text judgments</td>
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5.2 Sample Project 1: 2018 - 2019 course

PART A

Gloomshire Council ("GC"), a unitary authority, is in the grip of a significant financial crisis and needs to make urgent savings. Capital reserves have been depleted due to poor budgetary control. As a result, several service areas need to be either refined, consolidated or ceased. The Council’s 15 Learning Hubs, which house the Council’s children centres and co-located youth provision, have been identified as potential casualties. Initial service reviews and consultation exercises have recently been undertaken to assist in the identification of funding options. These include a modest reduction in the number of Learning Hubs, and adoption of a community operated level of provision (Option A), or the closure of 10 Hubs (Option B). Decisions on these matters are to be made imminently by the Council.

Recently the Council’s financial position has deteriorated further. This has culminated in the Chief Finance Officer (“CFO”) reporting to the Council that an un-balanced budget is anticipated. Additionally, the CFO has firmly stated that the Council has zero choice concerning the closures set out in Option B as simply “there is no money left”. The Cabinet and Full Council are scheduled to consider a revised draft budget. All Members are deeply concerned about the implications this may have upon the authority. Some Members have threatened to abstain from making any further financial decisions at present. However, the majority feel their hands are now tied in respect of Option B.

The Cabinet Member for Resources has asked you to prepare a briefing paper explaining the legal and governance requirements relating to both the Council’s financial circumstances and the decision(s) to be made regarding the identified service provision. Specific reference should also be made to any legal considerations and identifiable risks that should be addressed, citing any applicable case law.

PART B

The Council culture is growing increasingly toxic. Your Director of Legal ("MO") has advised you that serious complaints of bullying and intimidation have been made by senior officers at Gloom Parish Council ("GPC") against Councillor Lee ("Cllr L"), a member of GPC and GC. This includes a threat that the said officers were “dead men walking”. GPC is insisting that the allegations be dealt with via the Council’s employee grievance procedure. You are told an investigation under the grievance process was recently undertaken. Several sanctions were issued limiting Cllr L’s service upon any of GPC’s committees and panels or direct contact with officers.

Additionally, a historic allegation of potential fraudulent practice has been made against the Executive Member for Place ("Cllr J") in respect of the disposal of a Council asset. You are advised that an internal pre-investigation into this matter, commissioned by the Audit Committee, was undertaken and culminated in the production of a confidential report. The report findings concluded that the allegations had merit. It is also noted that the Maxwellisation process was fully adhered as part of the investigation process. Further, the MO has now received instructions to instigate the Council’s formal Arrangements in respect of both allegations.

Lastly, the media have got wind of both investigations and is campaigning for the findings to be released into the public domain. The Council is strongly minded to concede in an attempt to halt any further reputational damage.

Councillor’s L and J are threatening to take legal action in respect of the above matters. You are asked by the MO to advise generally upon the legality of GPC and GC’s actions. This advice should include the applicable legal principles, relevant case law and details of the potential grounds of legal challenge that could be made against the Council in respect of the above issues.

NB: The law applicable to England or Wales may be applied to this project.
5.3 Sample project 2: 2018 - 2019 course

PART 1
You work for Gloomshire District Council and the newly appointed Interim Director of Governance and Monitoring Officer has requested your assistance in assessing the Council’s compliance with the General Data Protection Regulation (“GDPR”) and Data Protection Act 2018 (DPA18). In particular, you have been requested to prepare a detailed briefing note setting out the Council’s duties under the DPA18 and where relevant, summarising the key differences between this and the requirements of the previous legislation. As part of your note (which will account for 60% of the marks available) you have also been asked to provide some practical pointers as to the steps the Council should be taking to implement and embed the changes to ensure and demonstrate conformity.

PART 2
In addition to the briefing note, you have also been asked for your advice on how to respond to the following requests for information:

1. Cabinet has recently met to consider a report recommending a proposal to dispose of some of the properties in its surplus asset register. The Appendix to the report identifying the specific properties and setting out the anticipated values was exempted under paragraph 3 of Schedule 12A of the local Government Act 1972. One of the opposition Councillors has requested a copy of the exempt appendix to which she insists she is entitled.

2. The former Director of Governance had worked with his counterparts from 2 neighbouring District Councils to produce a report which was issued to Gloomshire County Council for consideration by its joint working project board. The report is mainly factual, but in parts it is critical and also discusses yet to be made public issues and projects. The Gloomshire Citizen has since requested disclosure of the report from each of the Councils including Gloomshire District Council.

NB: The law applicable to England or Wales may be applied to this project.
5.4 Sample project 3: 2018 - 2019 course

PART A
Gloom Borough Council’s (GBC) fortunes are on the up following the Council’s on-going strategy to invest in local regeneration and boost its urban chic image.

Gloom Central is a vibrant and ethnically diverse ward within GBC. It hosts the borough’s new flagship shopping centre, historic Central Park, and community facilities. Central Park forms the gateway to the popular “Park Lane,” a new phased development scheme, located upon a former 1960’s industrial park. The next phases of “Park Lane” are on schedule to be completed in the spring.

Adjacent to Park Lane stands the legendary Clash Arts Complex (CAC) which is housed upon the site of the defunct Council owned multi-storey car-park. The CAC comprises a major live music venue bounded by a, publicly accessible, outdoor Go-Kart circuit and BMK track. This is a popular local resource and haven for underprivileged teens.

The Leader is very concerned about reports of both an increase in gang activity and rough sleepers in and around Central Park. It is felt that the site of congregating hooded youths and rough sleepers is tarnishing the image of the Borough. Further, groups of religious anti-austerity protesters have recently been holding daily demonstrations in Central Park against Council cuts and sale of public assets. The Leader demands swift action be taken to “end and discourage this kind of activity” and has worked up a Proposal A with colleagues.

You are the Head of Legal Services at GBC. The Leader has requested you to draft a detailed legal strategy report, setting out the most appropriate legal powers available to facilitate her proposal, highlighting any key foreseeable risks and relevant issues.

Proposal A: The prohibition of the following activities within Central Park at all times:

- Rough sleeping, the deposit of unattended bedding and/or belongings, any verbal or written request for money and/or the deposit of containers to collect money.
- The loitering or congregation of more than x2 youths between the ages of 10 -18 yrs.
- The loitering or congregation of more than x2 individuals for the purpose of political or religious protest, the possession and/or use of loud speakers, signs or placards.

The introduction of a designated area, on the borough boundary, where all the above activities will be permitted in addition to the launch of the following:

- A new repatriation scheme offering rough sleepers out of borough housing assistance or one way train tickets to relatives who reside outside GBC.
- An advertising campaign across GBC displaying the slogans such as “beware of hooded thieves” and “don’t fund killer addictions” to raise public awareness.

PART B
At a recent meeting, held between the Leader and Park Lane Ltd, concerns were raised about the CAC and the potential negative impact it may have upon new buyers. Park Lane Ltd put forward an offer to purchase the site and construct a new development scheme incorporating an alternative community space. The Leader has since expressed keen Interest in the deal and would like the GBC explore its options to bring this plan to fruition.

Meanwhile, the Environmental Health Team have received numerous complaints from Mr and Mrs X, new residents of Park Lane (phase 1), about escalating noise disturbance from the CAC patrons and related incidents of intimidating behaviour from its “gangs.” They are threatening to take legal action if GBC fail to take urgent measures.
You also now learn the local press has reported the Leader as being overheard making disparaging remarks about the patrons of the CAC and exclaiming the need to “purge the lot of them from the Borough.”

You are asked by the Director of Place for brief advice on the above matters, including any evident legal issues of concern, and the most appropriate next steps GBC should take.

NB: To be answered in accordance with the English or Welsh Jurisdiction

5.5 Sample examination paper 1: 2018 - 2019 course

LOCAL GOVERNMENT LAW AND PRACTICE

Examination Paper – 5 June 2019

Part I – 10.00am to 12.15pm

Answer THREE questions

Candidates are required to give reasoned answers and are reminded that, wherever possible, the relevant statutory provision and the relevant case law should be cited. Candidates should also note that the examination time of 2 hours 15 minutes takes account of 15 minutes to read and absorb the contents of the questions.

Where the law differs, you may choose to answer by reference to the position in England or in Wales as you prefer.

1. A new councillor on your authority has been very vocal in challenging the advice of the head of legal services, on the basis that “he has been told by an expert that the general power of competence allows the authority to do anything it wishes”. It has been agreed that he will be supplied with a briefing note which explains the restrictions placed on the power both by the relevant legislative provisions relating to the power, and by general public law constraints.

Write the briefing note.

2. You work for Gloomshire Council, a unitary authority. The council has recently been notified of a number of claims for damages.

(i) Anthea claims that while walking late one afternoon in the council’s Park and Recreation Ground she tripped and fell because of a hole in a path. She broke her ankle and her expensive watch was damaged beyond repair. She says that, on inspection, it seems that the hole had been there for some time and that she has a photograph on her mobile phone to prove it. The council has had to reduce significantly the number of staff looking after the Park because of financial pressures.

(ii) Bill was formerly a child in the council’s care. He claims that he has developed a severe psychiatric illness as a result of the council’s negligent failure while he was in care to have him adopted and to obtain specialist treatment once indications of psychiatric problems first appeared, and abuse by foster parents with whom he was placed for six months.

(iii) Catherine is a pupil at a local school. She claims that she was injured in a road accident when the coach taking her and other pupils to a School Concert held (during the school day) in the Gloomshire Concert Hall was involved in a road accident caused by the negligence of the driver.

(iv) David runs a local pub. He claims that his business has suffered substantial losses because of the council’s refusal to renew his alcohol licence. He says that this resulted from lies included in the
report of the council’s licensing officer, Edna, who is David’s next door neighbour and has a personal grudge against David because of a boundary dispute between them.

You have been asked to advise the council as to the extent, if any, of its liability.

Advise the council.

3. You work for a unitary council. You have been asked to prepare a memorandum for new councillors explaining what legal obligations may apply to the council by virtue of the Human Rights Act 1998 and the consequences that may follow if they are not observed. You are asked to include examples of practical differences it has made to decision-making by local authorities.

Write the memorandum.

4. You work for a local authority that operates executive arrangements. You have been asked to prepare a short Guide for councillors providing an overview of (i) the authority’s duties to publish information; and (ii) the procedures by which members of the public may obtain information that has not otherwise been published.

Write the Guide.

5. You have been asked to prepare a report for councillors explaining and commenting on the legal steps that may be taken to discipline (i) a Councillor and (ii) a council officer in respect of allegations of misconduct.

Write the report.

6. In February 2019, the Public Accounts Committee noted that local authorities in England had seen core funding from central government reduced by nearly 50 per cent since 2010/11 and concluded that the current position is not sustainable.

Explain how, and assess the extent to which, local authorities in EITHER England OR Wales can raise funds in addition to their core funding.

5.6 Sample examination paper 2: 2018 – 2019 course

LOCAL GOVERNMENT LAW AND PRACTICE
Examination Paper – 5 June 2019 Part II – 2.15pm to 4.30pm

Answer THREE questions

Candidates are required to give reasoned answers and are reminded that, wherever possible, the relevant statutory provision and the relevant case law should be cited. Candidates should also note that the examination time of 2 hours 15 minutes takes account of 15 minutes to read and absorb the contents of the questions.

Where the law differs, you may choose to answer by reference to the position in England or in Wales as you prefer.

7. Following local elections, control of Beestwell Council, a unitary authority, passed from the Beestwell Ratepayers Party (BRP) to the Beestwell Local Democrats (BLD). The BLD Group was elected on a manifesto that promised a “hard look” at any further spending cuts and that there would be “full consultation” with those affected by any further cuts. There were also promises that no more libraries would be closed and that there would be no cuts to spending on social care. By the time it
came to set the next budget, the council’s Chief Finance Officer advised the council that it would be necessary for a further £10m of spending cuts to be made if a budget was lawfully to be set. In an emergency session, the council agreed a package of cost-cutting measures. These included cuts to programmes supporting children with special educational needs and the closure of two of the council’s remaining five libraries. The council decided that the financial position was so serious that the cuts had to be implemented quickly and provided a week for public consultation. This was conducted by the publication of a notice on the council’s website and in local newspapers summarising the proposals and seeking comments.

The council has received a number of letters threatening proceedings for judicial review.

(i) The Beestwell Special Educational Needs Support Group (BSENSG) complains that the budget cuts to SEN provision have been made without proper consultation. They also claim that they should have been notified directly of the proposals in view of the manifesto promise and that an Equality Impact Assessment of the details of the SEN cuts had been perfunctory.

(ii) Arthur, the leader of the BRP, complains that the decision to close the libraries was unlawful in that it breached the clear promise in the manifesto. Furthermore, the two libraries chosen for closure were in the two wards where BRP councillors had the largest majorities and that “this was no coincidence”.

(iii) Jemma, a prominent volunteer helping with the remaining libraries in Beestwell, and the BSENSG, both object to the council’s decision to refuse, relying on their manifesto promise, even to consider making any cuts to the social care budget. They note that spending on social care forms the largest part of the council’s spending.

In each case, proceedings for judicial review are then commenced two months and 27 days after the decision to make the budget cuts was made.

Advisive the council on its legal position, including the likelihood of interim relief being granted in the judicial review proceedings.

8. You work for a local authority that deals with planning applications. The council has received a letter from Mr John Smith complaining that one of the council’s planning officers, George, has given him misleading pre-application planning advice. This advice concerned the planning status of a property. Mr Smith was interested in purchasing the property provided that it had permitted development rights for a particular project. He was given written planning advice by George that the property did not have those rights. However, Mr Smith thought that the advice might be incorrect and so engaged a private planning consultant. The consultant reported (for a fee of £500) that George’s advice was clearly wrong. By then, it was too late for Mr Smith to purchase the property. Mr Smith now says that he is minded (i) to bring a claim for damages for negligent misstatement and (ii) to complain to the Ombudsman.

You have been asked to prepare a memorandum for the executive lead for planning advising:

(i) whether the council may be at risk of a successful tort claim for negligent misstatement;

(ii) whether the council may be at risk of an adverse ruling by the Ombudsman and, if so, what remedies might be recommended;

(iii) what steps might be taken and what the consequences might be should the council be minded to disagree with the Ombudsman’s findings and/or recommendations; and

(iv) whether Mr Smith can pursue both a legal claim in negligence and a complaint to the Ombudsman in respect of this matter.

It is now accepted that George’s advice was wrong.

Write the memorandum.
9. You work for a local authority. You have been asked to prepare a memorandum explaining (i) the kinds of legal arrangements that can be made to facilitate partnership working with neighbouring local authorities; and (ii) the steps that would need to be taken to establish a combined authority in association with those authorities and the key features of a combined authority should one be established. You have been asked also to highlight the main advantages and disadvantages of these two kinds of development.

Write the memorandum.

10. Your good friend, Emma Goodun, has decided that after a career break to raise her family she wishes to return to practising law. She was previously in private practice but is intent in working for her local authority because of its enlightened approach to flexible and part-time working. Given your extensive knowledge of local government law, you agreed to help her prepare for the interview process.

The post she has applied for will be concerned with all the contracts and procurement of the authority. She has asked you to write a document for her containing the relevant material and explanation of any law which applies to a local authority, which would not apply to a private company.

Write the document.

11. You work for Sheepton Council. The council wishes to secure the redevelopment of the town centre, including provision for a major supermarket, a cinema complex and a block of flats. It already owns some of the land. You have been asked to prepare a memorandum explaining (i) what powers the council has to facilitate the project; and (ii) to purchase the land; and (ii) the basis on which compensation will be payable in respect of further land purchased and the effects of the redevelopment on other landowners.

Write the memorandum.

12. You work for a local authority. You have been asked to write a memorandum summarising the available tools under the audit system for controlling and drawing to the attention of the public any concerns over the legality or appropriateness of actual or proposed action by a local authority. You have also been asked to compare the effectiveness of the different tools in actually preventing unlawful or inappropriate action.

Write your memorandum.
6 Examination

6.1 Examination arrangements

Date and times of examination

2 June 2021

There are two sessions that each candidate will sit:
Session 1: 10.00am - 12.15pm  Session 2: 2.15pm - 4.30pm

Entry for the examination

A candidate will not be allowed to sit the Diploma examination unless:

a. the candidate has completed the Diploma projects to the satisfaction of the Diploma in Local Government Law and Practice Board and
b. The Law Society is satisfied that proper arrangements will be made for the conduct of the examination in accordance with these instructions.

If these conditions have been met, it will be assumed that the candidate will be taking the examination unless the Course Registrar at the Law Society has been notified to the contrary. Accordingly, it is not necessary for candidates to complete an examination application form. All candidates will be informed at least 3 weeks before the date of the examination whether or not they are eligible to sit.

Venue

Candidates must sit the examination in a room set aside for the purpose at the offices of their employing authority. With the exception of the invigilator and any other candidates, no other person is to be present in the room at any time during the period of the examination.

The room should be quiet, and a working surface must be provided which gives space for candidates to use the books, papers and electronic facilities which they are allowed to take into the room.

Materials in the examination room

Candidates may take books and other materials (including their own notes) into the examination room. Candidates are strongly advised to have with them the following books:

- Stephen Bailey - Cross on Local Government Law
- The Encyclopaedia of Local Government Law

During the examination candidates may have access online to materials and may use CD-ROMs and similar on-line electronic sources but may not have access to or use any telephone, e-mail or texting facility.

Invigilators

A responsible local authority official must be designated who will be responsible for the supervision of the examination following the guidelines laid down below.

The duties of the invigilator are as follows:

a. to ensure the safe receipt of the question papers beforehand and to keep them secure and unopened until the examination is due to begin;
b. to ensure that the examination room is suitably prepared for the examination;
c. to start the examination and if there is more than one candidate, to supervise the candidates throughout the period of the examination;
d. to ensure that the candidate does not have access to or use a telephone;
e. to take reasonable steps to ensure that the candidate does not use e-mail facilities in the
examination room;
f. to ensure that no other person enters the examination room during the period of the examination;
g. if a candidate wishes to leave the room, to ensure that he or she does not communicate with any other person while out of the examination room;
h. to warn the candidate 30 minutes and 5 minutes before the end of each paper and to stop the candidate at the end of the papers;
i. to collect the scripts, seal them in the packets provided and post them to the required address immediately after the examination;
j. to complete the report form and return it to the Course Registrar at the Law Society as soon after the examination as possible.

Answer books
Candidates may only answer the papers in the printed answer books provided. Answer books must be issued at the commencement of each paper and collected at the end of each paper by the invigilator.

Candidates affected by illness etc
A candidate who as a result of illness or exceptional circumstances considers that his or her performance in the examination has been adversely affected may apply to the Board for consideration.

The application must be in writing and be accompanied by appropriate medical or other supporting evidence and must be received by the Course Registrar not later than 10 days after the sitting of the examination.

The Board may take such decision(s) in relation to the candidate in question as the Board thinks reasonable in all the circumstances (see regulation 31 of the Diploma assessment and award regulations which can be found on the Law Society's website).

6.2 Template letter to request examination facilities

Below is a template letter that you can use to request the use of facilities, within your own local authority, to sit the examination.

Date

Dear [name],

The Law Society’s Diploma in Local Government Law and Practice

As you may be aware, I am currently taking a course leading towards the award of the Law Society's Diploma in Local Government and Practice.

The course consists of:
- Guided reading
- Three practical projects
- Two examinations (2.25 hours each) on 2 June 2021 at 10.00am - 12.15pm and 2.15pm - 4.30pm
The examination is 'open book', which means that candidates are permitted to refer to books and papers (hard copy or in electronic format) and access materials online. However, they may not have access to or use any telephone, e-mail or texting facility.

Otherwise, the examination should be held under usual conditions with strict adherence to the time allowed. Conferring with others is not allowed.

In view of the relatively small number of candidates over the whole country and the need to keep down the cost of the course to Local Authorities (central or regional), examination centres have not been set up. Instead, Local Authorities have been approached in the hope that they can make suitable arrangements.

I am therefore writing to ask if you can provide proper arrangements for the conduct of the examination in accordance with the enclosed Examination instructions.

If you can I would be grateful if you would return the enclosed certificate to me as soon as possible. If there are difficulties, please get in touch with me.

Yours sincerely

[Name]