



The Law Society

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

Prospectus 2013-2014



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Please note that some pages in this prospectus are deliberately blank.

Background

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 concept of the Diploma has been endorsed by the Society of County Secretaries, the Association of Council Secretaries and Solicitors and the Local Government Management Board. It has recently 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 fits into the Solicitors Regulation Authority's scheme of Continuing Professional Development for solicitors and satisfies the requirements in full. It is also a course approved by the Bar Standards Board for the purpose of continuing education for Barristers.

Holders of the Diploma are entitled to use the designation Dip.L.G.

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 Course Registrar at the Law Society.

The Diploma

The Diploma will be awarded by the Law Society to a solicitor or barrister who completes the course and who has at least two years' relevant practical experience.

At a meeting on Tuesday 19th February 1991 the Specialisation Committee of the Law Society approved the use of the designation Dip.L.G. for all candidates who have obtained the Diploma.

Regulations

The requirements relating to the Diploma are to be found in the Diploma in Local Government Law and Practice (amended) Regulations 1998 (see page 40). The Regulations establish the Diploma in Local Government Law and Practice Board with a responsibility to supervise on behalf of the Society the administration of the arrangements leading to the award of the Diploma by the Society and to undertake such other functions as are assigned to it. To be awarded the Diploma you must be either a solicitor or a barrister who has completed the projects satisfactorily, passed the examination and have 2 years' experience. Please read the following sections of the prospectus carefully.

Eligibility to enrol on the course

You may enrol on the Diploma course if you come within one of the following categories:-

1. Solicitors, trainee solicitors and barristers currently working in a local authority. The Law Society will accept your statement on the application form that you come within Regulation 7 of the Diploma in Local Government Law and Practice (amended) Regulations 1998 without further question. The Law Society will not accept any responsibility if it turns out subsequently that you were not entitled to enrol.
2. Solicitors, trainee solicitors and barristers who, whilst not working for a local authority, nevertheless work for an analogous agency or authority.
3. Solicitors, trainee solicitors and barristers employed by a law firm whose experience enables them to meet the criteria set out below under "Eligibility for the award of the Diploma".

If you come within category 2 you should apply to the Board by letter to ascertain your eligibility. If you come within category 3 you must complete a Pre-requisite form in support of your application and this must be submitted to the Board for its consideration. You will receive a letter advising you of the Board's decision prior to your acceptance onto the Diploma course. You will find the Pre-requisite form at the back of this prospectus.

If you do not come within one of the above categories, your enrolment will not be accepted.

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 or a barrister **and**:

1. Complete the course projects satisfactorily; **and**
2. Pass the Diploma examination; **and**
3. Have *either*
 - (a) 2 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) 2 years' practical experience in local government work in a law firm that carries out local government work.

Paragraph 3 (b) provides a route whereby solicitors and barristers 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 complete a Pre-requisite form. You may later be required to provide a diary or portfolio describing the work you have been doing for the relevant 2 year period. 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.

Portfolio/Pre-Requisite Form

If you are required to submit a portfolio or Pre-requisite form 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 Course Registrar at the Law Society; these will be referred to the Diploma Board if necessary.

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 Course Registrar, 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, provided that you pay the appropriate deferral fee (currently £120). The Board will not refund any course fee where an application to defer is refused.

If you wish to defer again during the following year(s) of the programme, you will again need to request this in writing to the Course Registrar, stating the reasons for your application and including a supporting statement from your Authority. A second or subsequent deferral will not be permitted unless the Board considers that there are exceptional reasons, and a second or subsequent deferral fee of £200 will be payable.

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.

Benefit and relevance of the Course

In spite of the hard work involved, students have told us that they have found the effort worthwhile. According to their comments 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

Syllabus

The syllabus for the course appears on page 13. You will find an official Course Description, approved by the Council of the Law Society on page 12.

Reading list

As you will see, this is extensive. 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, but if you have any real difficulty in obtaining any of the books, please notify the Course Registrar at the Law Society.

Seminar

A seminar will be held in London on 5 December 2013. 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. A programme 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.

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 as a list of names and addresses of participants will be sent out early in the course. Inclusion on the list is optional.

Some students attend the Local Government Weekend School, and although there is no formal tuition for the Diploma, it is an opportunity to meet current and previous students.

Help during the course

You may contact the Course Registrar at the Law Society if you require guidance with preparation of a project or with revision for the examination. Your query will be considered by the relevant member of the Diploma Board and an answer will be supplied to you.

Time needed for studying

Unless one of your colleagues has already done the Diploma Course, 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.

Projects

You will need to complete three projects successfully during the 2013-14 course. Each project will consist normally of one lengthy problem question. Specimen project questions can be found on pages 18-20. 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:

	Project available	Submission Date	Expected Date for Return
Project 1	2 September 2013	28 October 2013	2 December 2013
Project 2	6 December 2013	27 January 2014	17 March 2014
Project 3	19 February 2014	1 April 2014	12 May 2014

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.

Examination

The examination will be held on 5 June 2014 and is hand written.

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 on pages 21-26. 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 and/or networking facilities. All candidates will be required to complete a signed statement confirming non-use of e-mail and social networking programs during the examination. 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 and in the Examination instructions on page 29

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 instructions provide for this. The Examination instructions will be sent to your Chief Officer 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 Chief Officers 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 Course Registrar at the Law Society. You are not required to complete an entry form for the examination. As you will see from the Examination instructions, 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 31 May 2014 you should contact the Course Registrar at the Law Society.

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

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 (see p4 of the Prospectus for details).

To pass each project you must achieve 45% or more. The exam's pass mark is 50% and above. Please also refer to p42, Regulation 17 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:

- (1) 70% pass mark in the exam + 65% project average (where all completed in the same year);
- (2) 70% project average + 65% pass mark in the exam (where all completed in the same year);
- (3) 70% overall average mark (where all projects and exam completed in the same year).

Special needs

If you have any special needs 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 Course Registrar will contact you on receipt of the application and discuss what arrangements can be made for you.

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.

Prizes

A prize of £250 will be awarded by the Local Government Legal Society Trust to the best candidate each year who reaches a certain standard. A further prize of £150 will also be awarded by the Society of Town Clerks to a second candidate. The Law Society Gazette awards a prize of £100 to the candidate showing the best overall performance in the projects.

Publication of the results

It is expected that the results will be published on or after 15 September 2014. The results will be posted to all candidates by first class mail to the address supplied by the candidate.

Application for the Diploma

Each successful candidate will also 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 12(b) of the Diploma in Local Government Law and Practice (amended) Regulations 1998).

Enrolment and fees

Fee

The fee for the course (including the examination) is £1192 [TBC] (VAT exempt), to be paid on or before enrolment. 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.

Bursaries

If your authority is unable to pay your fee, you may apply for one of a limited number of bursaries available from the Local Government Legal Society Trust Fund. Further information is available from the Course Registrar. It can take some time for applications for bursaries to be considered and so you are advised to apply as early as possible.

Enrolment

There are a limited number of places on the Diploma course each year and the deadline for enrolment is 15 August 2013. Enrolments received after this date will be accepted on a first come, first served basis until this maximum is reached. To enrol, please complete the application form at the back of this prospectus and send it to the Course Administrator with a cheque for the fee of £1192 made payable to the Law Society, or contact the Finance department on receipt of your invoice after enrolment to make an electronic payment.

The course starts on 1 September 2013 and you will be sent your first project soon after this date. Enrolments received after the first project has been sent to candidates will not be allowed extra time to submit their first project. You will not be sent a further copy of the syllabus, reading list, the 3 sample projects, specimen examination papers, Examination Rules, Examination Instructions, Assessment Regulations or the Diploma Regulations as these are contained in this prospectus.

Applications

Please apply **no later than 15 August 2013** using the enrolment form in this prospectus. If you need to submit a Pre-Requisite form or need the Board to confirm your eligibility for the Diploma you are advised to apply as early as possible.

Applications should be sent to the Diploma in Local Government Course Administrator, Commercial Affairs Admin, Commercial Affairs, The Law Society, 113 Chancery Lane, London. WC2A 1PL. DX 56 London/Chancery Lane. Email LGD@lawsociety.org.uk

Continuing Professional Development Scheme

Solicitors

All solicitors, in legal employment in England and Wales, are subject to Continuing Professional Development (CPD). This is irrespective of whether or not they hold a current practising certificate.

Full details are available from the Information Services Department, The Solicitors Regulation Authority, Ipsley Court, Berrington Close, Redditch, Worcs, B98 OTD, Telephone +44(0)1527 504433. www.sra.org.uk

Under the scheme, solicitors are required to undertake 16 hours of CPD each year. The CPD year runs from 1 November to 31 October.

The requirements for the CPD Scheme are met fully by the Diploma Course. In addition, attendance at the one-day seminar attracts a further 4.5 hours of CPD.

Barristers (Continuing Education)

The Bar Standards Board regulates barristers called to the Bar in England and Wales. All barristers are required to complete CPD hours and return a record card to the BSB on an annual basis.

In the first three years of practice, newly qualified practitioners are required to complete 45 hours of CPD, after the first three years of practice, barristers are required to undertake 12 hours of CPD each year under the Established Practitioners' Programme.

Full details are available from the Bar Standards Board, 289-293 High Holborn, London WC1V 7HZ. Telephone +44 (020) 7611 1444. www.barstandardsboard.org.uk/.

Completion of the Law Society's Diploma in Local Government Law and Practice qualifies for Bar Council Continuing Education purposes.

Official course description

Approved by the Council of the Law Society on 15 December 1983

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. 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 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.

Syllabus

The structure of local government. Proposals for change and the procedures by which change is effected. 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.

The doctrine of ultra vires. Application of the doctrine to procedural requirements. Consequences which may flow from a breach of the ultra vires rules. General powers available under Part I of the Local Government Act 2000. The general power of competence under the Localism Act 2011.

The administrative machinery of local authorities. 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.

The calling and conduct of meetings. The decision-making process, including key decisions. Delegation. Ratification of decisions not the subject of delegation. Rights of the public in relation to meetings.

Duties as to the provision of information, including the Data Protection Act 1998 and the Freedom of Information Act 2000.

The role of the Local Government Ombudsman and the Public Services Ombudsman for Wales.

Rights and duties of members of local authorities, including defamation, accountability, monetary payments, personal liability. The ethical framework under Part III of the Local Government Act 2000. New arrangements as to standards under the Localism Act 2011. The appointment, tenure, remuneration and accountability of officers. Pay accountability. Responsibilities of officers to the council and to the public. Political restrictions. The monitoring officer. Personal liability.

Local Enterprise Partnerships and co-operation between Authorities.

Entities connected with local authorities. Corporate governance.

Land acquisitions – powers, procedures, compensation. Assets of community value.

By-law making powers. Validity of by-laws.

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. The Audit Commission and the Audit Commission in Wales. 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, whether in contract, tort or otherwise.

Reading list and sources 2013-2014

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

1 Recommended reading

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

Stephen Bailey	Cross on Local Government Law 8 th Edn (updated loose leaf ISBN 9780421429802 Sweet and Maxwell June 2012)	£445.00
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You are also advised to consult the Encyclopaedia of Local Government Law or Local Government Constitutional and Administrative, Law 2nd ed. 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.

A 3rd edition of Cross on Principles of Local Government Law (Sweet & Maxwell) was published in December 2004. Please note that this publication has not been revised since 2004 and there are no immediate plans by the publisher to do so. As with previous editions, the text comprises of the core chapters of Cross on Local Government Law and Local Government Finance.

2 Other general works of reference

(a) Specialist works on aspects of Local Government law

Stephen Taylor and Deborah Upton	Knowles on Local Authority Meetings ISBN 9781860724398 ICSA Publishing, 6 th ed., 2010 Tel: 020 7612 7020 Email: infotraining@icsa.co.uk Web: http://www.icsapublishing.co.uk/ Ordering: direct.order@marston.co.uk	£99.95
Arden, Hunter, McCafferty and Okoya	Local Government Finance: Law and Practice ISBN 9780752000589 Sweet & Maxwell, updated loose leaf New release May 2012 & October 2012 Web: http://www.sweetandmaxwell.co.uk/	£535.00

(b) Works on judicial review

Woolf, Jowell, Le Sueur and Donnelly	De Smith's Judicial Review ISBN 9781847034670 Sweet & Maxwell, 6 th ed., 2009 Mainwork & Supplement	£416.00
Woolf, Jowell, Le Sueur and Donnelly	De Smith's Judicial Review ISBN 9780421691001 Sweet & Maxwell, 6 th ed., 2009 Supplement	£89.00

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

Stephen Bailey	Cases, Materials & Commentary on Administrative Law ISBN 9780421900707 Sweet & Maxwell, 4 th ed, 2005	£37.95
M Elliott	Beatson, Matthews and Elliott's Administrative Law: Text and Materials ISBN 9780199238521 Oxford University Press, 4 th ed, 2011 Web: http://www.oup.co.uk/	£34.99

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

Paul Craig	Administrative Law ISBN 9781847032836 Sweet & Maxwell, 6 th ed, 2008	£37.95
Sir William Wade and C F Forsyth	Administrative Law ISBN 9780199219735 Oxford University Press, 10 th ed, 2009	£35.99

(c) 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 on the Web (see below).

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:

Local Government Chronicle	Municipal Journal
Current Law	New Law Journal
Solicitors Journal	

Electronic sources

LexisNexis, Westlaw, Justis and Lawtel (now Sweet & Maxwell) for general law – these are subscription only databases.

Local Government online - a web page available to subscribers to the Sweet & Maxwell Local Government Library. The website address is www.localaw.co.uk

Butterworths online service, www.LexisNexis.com, online helpdesk - 0845 6081188

Government information and services online: - www.direct.gov.uk

OPSI: www.opsi.gov.uk (access to all primary law and statutory instruments)

Lyons Inquiry: www.lyonsinquiry.org.uk

Communities & Local Government: www.communities.gov.uk

Welsh Assembly: www.wales.gov.uk

BAILII (British and Irish Legal Information Institute): www.bailii.org (Access to all freely available British and Irish public legal information)

Casetrack: www.casetrack.com (subscription online source for full-text judgments)

Statute Law: www.legislation.gov.uk/

Supreme Court: www.supremecourt.gov.uk

Court of Appeal: www.hmcourts-service.gov.uk/cms/judgments.htm

Supreme Court: www.supremecourt.gov.uk/

Local Government Standards Tribunal Guidance; www.justice.gov.uk/tribunals/local-government-standards

Adjudication Panel for Wales: www.adjudicationpanelwales.org.uk

Department for Education: www.education.gov.uk

Public Services Ombudsman for Wales: www.ombudsman-wales.org.uk

Information Commissioners Office re: Data Protection & Freedom of Information:
www.ico.gov.uk

Local Government Lawyer re: general legal information:
www.localgovernmentlawyer.co.uk

Local Government Ombudsman re: complaint: www.lgo.org.uk

Equality and Human Rights Commission re: public sector equality duties:
www.equalityhumanrights.com/advice-and-guidance

4 Availability of books

Most good bookshops will be able to obtain the recommended books for you. Specialist legal bookshops in London include:-

Hammicks Legal Bookshop
191/192 Fleet Street
London EC4A 2NJ
Tel: 020 7405 5711
Email: fleetstreet@hammicks.co.uk
Web: www.hammickslegal.co.uk

Wildy and Sons Ltd
Lincoln's Inn Archway
Carey Street
London WC2A 2JD
Tel: 020 7242 5778
Email: info@wildy.com
Web: www.wildy.com

Your local public library may stock the recommended books or may be able to obtain them for you through Inter-Library Loans.

If you wish to use your local University of Law library for reference-only access, the Course Registrar will provide you with a letter of introduction to the Librarian on request. The University of Law has sites in Birmingham, Chester, Guildford, Central London, Bristol, Manchester and York. Candidates should be aware that the University of Law libraries will not contain all books mentioned on the above list.

Many university libraries have a policy of public access to their book stock (reference-only) although some require photographic ID. The library or information department staff will be able to advise you on the particular arrangements in place at your local university.

Note: The information in this reading list is believed to be current at the time of printing; however from time to time there may be changes as new editions are published or titles go out of print.

Sample projects

Project 1 from the 2011/2012 course

You are a senior solicitor in a unitary authority which is operating executive arrangements comprising a leader and cabinet.

The authority's constitution also provides that:

Certain executive and non-executive decisions are delegated to specified officers;

Certain executive and non-executive decisions are delegated to local area committees.

In addition to its full council, the authority also has a number of other committees, dealing with non-executive functions.

Decisions are made by presentation to the relevant decision maker or decision making body of a report which sets out all information relevant to the decision which is recommended.

The executive are not intending to propose any changes to these arrangements.

The chief legal officer wishes to develop the internal legal service so that a greater number of its solicitors understand how decisions are made in the authority and are able to assist officers in other departments to prepare reports for decision which provide a sound basis for lawful decision making.

You have been asked to contribute to a training package by preparing a briefing document which includes the following:

- 1) An explanation of the decision making structure in the authority (described above), including what types of decisions can be made by each type of decision maker mentioned, any limits on their decision making powers and the legal requirements which must be fulfilled before, during and after making the types of decisions that they are empowered to make. (You are not required to discuss the procedures for the chairing and conduct of the meeting.)
- 2) A discussion of the range of matters that you would look for in assessing generally whether a report to the authority's cabinet takes account of all relevant legal considerations, both substantive and procedural. The chief legal officer has asked you to refer as an example to a recent proposal to close advice services for young people across the authority area, which would save the authority £500,000.
- 3) A brief explanation of the potential consequences of failing to adhere to procedures set out in legislation or in the council's constitution relating to decision making.

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Project 2 from the 2011/2012 course

You are a solicitor with Gloombury Council, an English district council. You are asked by the chief executive to prepare a briefing paper setting out the principal rights and responsibilities of elected members, from election to cessation of office.

The chief executive has asked you to exclude reference to decision making under executive arrangements, but has asked that your paper include an explanation of:

- (i) how an elected member differs from an employee of the council; and
- (ii) any circumstances in which elected members may become personally liable, and what, if any, measures can be taken by the authority to reduce the risk of personal liability.

The chief executive is himself a lawyer and has asked you to include all relevant references to legislation and case law.

While you are preparing your briefing, the Council's asset manager asks if he can come and see you.

The Council is in the course of selling a piece of land and has invited proposals for development. The asset manager is concerned about some recent incidents involving Councillor Snooks.

Councillor Snooks has been into the asset management section on several occasions, demanding to see the tenders, which have not yet been evaluated. A junior member of staff after some persuasion gave him the information he wanted.

Councillor Snooks is a member of the planning committee, which has not so far received any planning applications in respect of the land. He has made no secret of his view that it would be in the best interests of the Borough for the land to be sold to the local football club for development of a new training ground. Football is an important part of the culture of the largest town in the council's area and many members are known to share this view.

Before the development opportunity was advertised, Councillor Snooks came in to see the asset manager to enquire whether the land could be offered directly to the club.

Councillor Snooks has never declared any interests in relation to the club but it has been anonymously reported on local blogs that he is a regular guest in the directors' box at matches and that his brother in law's firm is lined up to lay astroturf when the land is sold to the club. Councillor Snooks has set up his own blog where he has accused the chairman of one of the other firms that has submitted a tender of being "behind the malicious lies" about him.

When Councillor Snooks came into his office most recently, the asset manager says that he told him that he did not want to discuss the land sale, at which point he says, Councillor Snooks lost control of his temper, and accused him of not acting in the best interests of the borough. He told the asset manager that he would have him sacked for this.

Identify the legal issues raised by this series of events and any potential consequences for Councillor Snooks and/or the Gloombury Council.

(This project is in two equal parts)

Project 3 from the 2011/2012 course

Question One

You are a Solicitor working for Gloombury Unitary Council. There has been a change of administration at the Council and a new portfolio holder has been appointed for housing. In his election manifesto, he set out his top priorities as follows:-

1. Reducing the number of empty homes. He is determined to tackle the scourge of empty properties in Gloombury and he has promised the electorate that he will take robust action.
2. Ensuring that he reduces the size of the housing waiting list and that those who are working get priority on the housing list. This is one of the key planks of his manifesto and he thinks this is very important to the electorate.
3. Taking action against Landlords of unfit Houses in Multiple Occupation (HMOs). He believes that there are too many of these in Gloombury, particularly in Trashville, a suburb of Gloombury City, and he believes that this is the underlying cause of anti-social behaviour in the area. He has promised to take a tough stance and crackdown on this.

The Director of Housing has his first meeting with the new portfolio holder next week, and he has asked you to provide him with a briefing note on what powers and duties the Council has in respect of the above, including any enforcement action, and what steps could it take to help the portfolio holder achieve his election pledges. Your answer should contain references to case law and statute, where appropriate.

QUESTION TWO

(A) Mrs Balagova is from the Czech Republic but has lived in Gloombsbury with her five children. She has lived here for the past two years and has been in work until six weeks ago. Her children are aged between five and seventeen, and all attend the local school except Christie Balagove (aged 17). Mrs B was made redundant six weeks ago, and has been unable to pay her rent for the last three weeks. She has been found in the local park by the Police who have contacted the Director of Housing. They say she has been living in the park for the last three nights with her children, as her landlord has thrown her out and changed the locks.

The Director of Housing has asked you whether the Council has any legal responsibilities to Mrs Balagova and her children.

(B) Christie Balagova has been to see the Housing Department. Her mother has been found housing with her children but has said that there is no room for Christie and that she is old enough to look after herself. Christie does not work and has no income to find housing.

The Director of Housing has asked you whether the Council has any legal responsibilities to Christie Balagova.

Sample examination paper

LOCAL GOVERNMENT LAW AND PRACTICE

Examination Paper – 14 June 2012

Part I – 10.00 am to 12.15 pm

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. “The Bill will give councils the powers and authority that they need. It will be a shot in the arm for local democracy. It will give councils a general power of competence. That is probably the single most important item in the Bill. It will turn convention on its head. It differs from a general power of well-being in one vital respect: instead of local authorities having to find a statute that allows them to act, the fun-loving legal advisers will have to find a statute that prevents them from taking action.”

(Eric Pickles, Second Reading of the Localism Bill, 17 Jan 2011, col. 560)

Evaluate this statement.

2. You work in the legal department of Verisopht Unitary Council. You have been asked to advise the council on the application of the Human Rights Act 1998 to the following matters, including how issues under the Act might be raised in legal proceedings.
 - (a) The council wishes to seek an injunction to require removal of an anti-capitalism protestors' camp from the square in front of the Town Hall. The council owns this land. Until recent elections, the council had tolerated the presence of the camp, but the new majority party on the council has a different view. The camp has been there for three years, and includes a caravan in which the leader of the protestors, Peter, lives with his wife and young children.
 - (b) Gride recently complained to the council about a noisy neighbour. The council's noise abatement officer, Rackett, explained to him in person at the council's offices that nothing could be done. Gride shouted at Rackett for 15 minutes and left. Rackett reported this to the council. The council placed Gride's name on a list of members of the public who were to be treated as difficult customers and who would in future only be dealt with

by letter or email. The council circulated the list to all its staff. Gride has objected to this slur on his good name.

- (c) The Citizens' Party, which is in control of the council, wishes to ban the Verisopht branch of the English National Party from holding meetings on council premises. The Citizens' Party strongly disapproves of the right wing nationalist views of the ENP and says that it should "not give a platform to fascists." It says it fears disorder at future meetings although there is no evidence of such disorder at previous meetings. It intends to maintain this ban during election periods.

Advise the council.

- 3. Gloomshire Council has recently received notification of the following claims. In each case you are asked to advise the council of the extent to which, if at all, it may be held liable in damages.

- (a) Under recent local legislation, the council has acquired statutory powers to license traders who seek to sell cars using the internet, while keeping them on the street. Under these powers, it established a licensing scheme, with effect from 1 January 2012. Fred has been trading in this way for some years. He applied to the council in good time for 1 January 2012, but the council lost his application for 6 months and the licence was only granted to start in June 2012. Fred claims he has lost £5,000 profits in the meantime.
- (b) In March 2012, baby Emma was seriously injured by her parents, Wayne and Jolene, who are now in prison. The council's social services department had received reports that Emma was at risk, but the department was understaffed because of staff illness and the reports were overlooked. A claim for damages has been made on Emma's behalf.
- (c) Also in March, 2012, Hermione, a member of staff in the council's housing department told George that he was to be given notice to quit his council flat because of his anti-social behaviour. He stormed out of the meeting, saying: "I know who's grassed on me, it's that John Brown. I'll kill him". Hermione knew that John Brown was George's neighbour and that he was indeed the complainant. However, she took no steps to warn her supervisor, the police or John Brown. Shortly afterwards, George murdered John. A claim for damages has been made by John's estate.

- 4. EITHER

The Best Value Statutory Guidance, September 2011, stresses the importance of the "Duty of Best Value" in local government.

Explain this duty and assess its importance in England.

OR

The Local Government (Wales) Measure 2009, by s.2(1), imposes a duty on some bodies to “make arrangements to secure continuous improvement in the exercise of its functions”.

Explain this duty and assess its importance for local government in Wales.

Advise the council.

5. Slapton Council, a unitary authority, has for some years operated executive arrangements involving a leader and cabinet executive. There have been many complaints from councillors that these arrangements have placed too much power in the hands of executive members. You have been asked to prepare a memorandum setting out the options that are available for changing the current arrangements and how changes can be brought about.

Write your memorandum.

6. The Cabinet Manual, published in 2011, “sets out the internal rules and procedures under which the Government operates” and is intended to be an “essential guide to our system of government”. In relation to local government it states at paragraph 8.31 that

“Local authorities are responsible for their own finances within centrally set parameters and budgets.”

Explain the system of finance and assess the accuracy of this statement.

LOCAL GOVERNMENT LAW AND PRACTICE

Examination Paper – 14 June 2012 Part II – 2.15 pm to 4.30 pm

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. Gloomton Borough Council is controlled by the Ratepayers' Party. It has established an economic development fund from which it may make grants to help small businesses. It prepares and publishes a Business Grants Scheme document setting out the principles on which grants will be made. This includes the policies:

- (i) that preference will be given to projects that will make a significant impact on unemployment in deprived wards in the Borough;
- (ii) that grants will only be made for capital purposes rather than to meet recurrent expenditure;
- (iii) that no grants will be made under £5,000.

The council's Economic Development Committee has recently made a number of decisions.

- (a) It has decided to make grants to two businesses in the Lowfields and Queens Meadow wards, run by Tom and Dick. These wards are the least deprived wards in the Borough. There is soon to be a local government election in the Borough for the whole council. The seats in these wards are the most marginal. All but one of the applications for grants for businesses in the most deprived ward, including applications by John and Fred, were rejected. These applications had been rated highly by the officers who advised the Committee. No reasons were given. John asked for a hearing before the Committee but was refused. The committee's chair, Councillor Lawson, was overheard before the meeting to say "I know John. He's unreliable. No grant for him!"
- (b) It has decided to make a grant Bill for a new IT business, "to cover running costs for two years."
- (c) It has made one grant of £4,000 to Harry, to support a new business in the Lowfields ward.

John and Fred have applied for judicial review of (1) the decisions to refuse their applications for grants; and (2) the decisions to make grants to Tom, Dick, Harry and Bill.

Advise the council.

8. In December 2010, the Government stated that it considered that “the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism.”

Evaluate this view and the subsequent action of the Government.

9. You have been asked to prepare a memorandum setting out the extent to which your council's discretion to appoint and dismiss officers is constrained by local government law. As part of this you are asked to explain the extent to which any officers have a role independent of the authority and how this element of independence is secured.

Write your memorandum.

10. At the recent election, control of Gollum District Council has passed to the Ratepayers Party which includes a large number of new councillors. You have been asked to prepare a memorandum for them setting out the basis on which allowances can be paid to council members, the steps which have to be taken, and whether the details have to be made public.

Write your memorandum.

11. Beestwell District Council owns Beestwell House in the centre of town. It has for many years been used as council offices, but it is now surplus to requirements. The council put it on the market at the District Valuer's valuation of £950,000 and received three bids:

- (i) The first bid, for £1m, was from Booze Promotions, who wished to convert it to a large licensed venue aimed at the student market.
- (ii) The second, for £950,000, was from a national supermarket chain, Supersavers.
- (iii) The third, for £900,000, was from the Beestwell Women's Support Group, who wished to relocate their existing highly successful, Women's Refuge and Advice Centre into larger premises. (This was the maximum they could afford.)

The relevant committee of the Council resolved to accept the third bid on account of the excellent contribution made by the Support Group to Beestwell. Councillors on the committee were agreed that they had no wish further to encourage

student drinking, which was already a problem in Beestwell, and that there were quite enough supermarkets in Beestwell already. The decision is to be implemented by the Estates Manager.

The Estates Manager is concerned that, if implemented, the decision will leave the Council open to legal challenge. She has asked you to advise her whether this is so and what steps in relation to the bids should now be taken.

Advise the Estates Manager.

12. The Secretary of State announced in July 2011 that the intention was to reduce radically “the centrally imposed, bureaucratic and costly audit and inspections previously undertaken by the Audit Commission”, and that the government “is determined to refocus local audit on helping local people hold councils to account”.

Explain the system of audit of local government and assess the extent to which it can hold councils to account.

Examination rules

The Law Society's Diploma in Local Government Law and Practice Examination rules 1984 (as amended)

1. Interpretation

The Interpretation Act 1978 shall apply to these rules in the same manner as it applies to an Act of Parliament.

"The examination" means the Diploma examination referred to in Regulation 10 of the Diploma in Local Government Law and Practice (amended) Regulations 1998.

"The Board" means the Diploma in Local Government Law and Practice Board constituted by the Diploma in Local Government Law and Practice (amended) Regulations 1998.

"Candidate" means a candidate for the Diploma who is eligible to sit the examination.

"Regulations" means the Diploma in Local Government Law and Practice (amended) Regulations 1998.

"Diploma" means the Law Society's Diploma in Local Government Law and Practice.

2. The examination

- a. The examination shall consist of one paper divided into two parts each of two and a quarter hours' duration.
- b. The performance of a candidate shall be assessed out of a maximum of 100 marks.
- c. A candidate who obtains 50 marks or over in the examination passes the examination and is entitled to apply for the award of the Diploma.
- d. A candidate who obtains between 40 and 49 marks inclusive will pass the examination and be entitled to apply for the award of the Diploma if in the opinion of the Diploma Board the overall standard reached in both the projects and the examination is such that he deserves to be awarded the Diploma.
- e. A candidate who obtains 70 marks or over will pass with distinction provided that in the opinion of the Diploma Board, his performance in the projects justifies such an award.

3. Sitting the examination

- a. The examination shall be held each year on a date in June the exact date to be decided by the Board from time to time.
- b. The examination shall normally be conducted at the offices of the candidate's employing authority following guidelines to be laid down by the Board from time to time.
- c. The final decision on the suitability of an examination room or an invigilator shall lie with the Board.

4. Candidates affected by illness

A candidate who as a result of illness or exceptional circumstances,

- a. does not attempt the examination; or
- b. considers his performance in the examination has been adversely affected

may apply to the Board for concessions to be granted in respect of the consequences of his failing to sit the examination or in respect of the result he has obtained in the examination and the Board may in its discretion grant such concessions as it thinks proper or refuse the application.

In order to decide whether any concession shall be granted the Board may:

- a. require the facts on which an application is based to be embodied in a statutory declaration made by the candidate
- b. require independent evidence in support of the facts on which the application is based and if the Board thinks fit such evidence to be embodied in a statutory declaration made by the person supplying it.
- c. require the candidate to attend for interview
- d. require the candidate to attend for oral examination
- e. take account of reports and assessments by the marker of the projects submitted by the candidate
- f. take such other steps as may be desirable to enable it to be satisfied that in all the circumstances some concession ought properly to be granted to the candidate.

5. Instructions to candidates

Candidates for the examination will be required to comply with such instructions as the Board shall publish from time to time.

6. Resitting the examination

Any unsuccessful candidate wishing to take the examination on a second or subsequent occasion must apply to the Board for permission.

Examination instructions

The Law Society's Diploma in Local Government Law and Practice Examination instructions

1. Date of examination:

5 June 2014, 10.00 a.m. - 12.15 p.m. and 2.15 p.m. - 4.30 p.m.

2. 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.

3. 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.

4. 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 electronic sources, but may not have access to or use any telephone, e-mail or texting facility.

5. 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:

- (i) to ensure the safe receipt of the question papers beforehand and to keep them secure and unopened until the examination is due to begin;
- (ii) to ensure that the examination room is suitably prepared for the examination;
- (iii) to start the examination and if there is more than one candidate, to supervise the candidates throughout the period of the examination;
- (iv) to ensure that the candidate does not have access to or use a telephone;
- (v) to take reasonable steps to ensure that the candidate does not use e-mail facilities in the examination room;
- (vi) to ensure that no other person enters the examination room during the period of the examination;
- (vii) 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;
- (viii) 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;
- (ix) to collect the scripts, seal them in the packets provided and post them to the required address immediately after the examination;
- (x) to complete the report form and return it to the Course Registrar at the Law Society as soon after the examination as possible.

6. 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.

7. 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. Such 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 Rule 4 of the Examination rules and Rule 13 of the Diploma regulations).

Letter to Chief Officer

Dear

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

As you are no doubt aware, Mr/Mrs/Ms/Miss is now taking a course leading towards this Diploma.

The course consists of:

- Guided reading
- Three practical projects
- Two two and a quarter hour examinations on 5 June 2014:
10.00 a.m. - 12.15 p.m. and 2.15 p.m. - 4.30 p.m.

The examination is an open book examination which means candidates can take with them such books and papers as they wish.

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

Otherwise the examination is like any other with strict adherence to the time allowed and no conferring with others.

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 by 21st May 2014. If there are difficulties please get in touch with me.

Yours

Confirmation of examination arrangements

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

Examination date: 5 June 2014
Name of candidate
Ref.No. with the Law Society LG

I CERTIFY that proper arrangements will be made for the conduct of the examination in accordance with the Examination instructions.

The examination room will be
(It will be assumed that the room specified above is in the principal office of the Council.
If this is not the case, please specify location and address.)

The Invigilator will be
(Please specify name and designation.)

The examination papers are to be sent to:
(Please give name, exact address and any
reference to ensure that the papers reach
the invigilator unopened and as quickly
as possible.)

The candidate has been informed of the location of the examination room and the identity of the invigilator

Signed

Dated

Diploma regulations

The Law Society's Diploma in Local Government Law and Practice (amended) regulations 1998

Approved 14th July 2004 by the Council of the Law Society.

Preamble

On 15 December 1983 the Council of the Law Society approved a Report by their Education and Training Committee which proposed the creation of a Diploma in Local Government Law and Practice to be awarded by The Law Society to solicitors. The Council accordingly made the Diploma in Local Government Law and Practice Regulations 1984 to facilitate the inauguration and future administration of the Diploma and to provide for a supervisory Board. The 1984 Regulations were amended on 17 January 1985, 9 March 1989, 27 April 1995, further amended and consolidated on 23 April 1998 and on 14 July 2004.

Title and commencement

1. These Regulations may be cited as "The Diploma in Local Government Law and Practice Regulations 1998" and shall have immediate effect.

Interpretation

2. (1) The Interpretation Act 1978 shall apply to these Regulations in the same manner as it applies to an Act of Parliament.
(2) In these Regulations, except where the context otherwise requires -

"Barrister" means 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.

"Board" means the Diploma in Local Government Law and Practice Board constituted by these Regulations.

"Candidate" means a candidate for the Diploma who has enrolled for the course under these Regulations.

"Council" means The Council of the Society.

"Course" means the Diploma in Local Government Law and Practice Course, administered by the Law Society at the request of the Society, leading to an award of the Diploma by the Society.

"Diploma" means the Diploma in Local Government Law and Practice awarded by the Society pursuant to the provisions of these Regulations.

"Diploma Examination" means the examination referred to in Regulation 10.

"Projects" means the course projects required to be submitted by candidates in accordance with these Regulations.

"Society" means the Law Society.

"Solicitor" means solicitor of the Supreme Court not currently suspended from practice by the Higher Court, the Court of Appeal or the Solicitors' Disciplinary Tribunal.

"Standards Board" means the Standards Board of the Council

"Trainee solicitor" means any person receiving training under a training contract.

“Training contract” means a written contract between a training establishment and a trainee solicitor which complies with the Law Society's Training Regulations 1990

“Training Establishment” means a body, firm, company or individual authorised by the Society to take or train a trainee solicitor.

The Diploma

3. There shall be a Diploma in Local Government Law and Practice to be awarded by the Society acting through the Standards Board on the recommendation of the Board.

The Board

4.
 - (1) There shall be constituted a Board which shall be known as the Diploma in Local Government Law and Practice Board.
 - (2) The Board shall be appointed by the Society acting through the Standards Board and shall include:-
 - (a) two members of the Council,
 - (b) two solicitors who are members of the Solicitors in Local Government Group of the Society,
 - (c) a representative of the Law Society, and
 - (d) the Chief Examiner and the Chief Projects Assessor appointed under these Regulations.
 - (3) The duties of the Board shall be generally to supervise on behalf of the Society the administration of the arrangements leading to the award of the Diploma by the Society and to undertake such other functions as are assigned to it by these Regulations or by the Standards Board.
 - (4) The Board may not conduct any business unless there shall be a quorum present which shall be three members of the Board.
 - (5) The Board shall elect a chairperson at its meetings.
 - (6) Questions arising at any meeting shall be decided by a majority of votes.
 - (7) In the event of an equality of votes cast at any meeting of the Board, the Chairperson for that meeting shall have a second or casting vote.
 - (8) Subject to a quorum being present the Board may perform its functions and conduct any business notwithstanding that there may be a vacancy in its composition.
 - (9) The Board may delegate any of its functions to committees consisting of not less than two of its members.
 - (10) Subject to the foregoing, the Board may regulate its meetings, and meetings of the committees of the Board, in such manner as it thinks fit.

Appointment of examiners and assessors

5. (1) The Committee Board shall appoint:
 - (a) A Chief Examiner who shall be responsible for setting the Diploma Examination papers and marking the answer scripts.
 - (b) A Chief Projects Assessor who shall be responsible for setting the projects and assessing the candidate's performance in executing the projects.
- (2) The Board may appoint such assistant examiners as it shall deem necessary for the purpose of assisting the Chief Examiner and the Chief Projects Assessor in their duties.

The Course

6. The course shall extend over one academic year.

Eligibility for enrolment

7. Any solicitor, trainee solicitor who has passed the Society's Legal Practice Course or Final Examination, or barrister shall be eligible to enrol as a candidate at such time and in such a manner as the Board may from time to time prescribe.

Discretion to limit enrolment

8. The Board may limit the number of candidates that may be enrolled in any year as it sees fit.

Submission of projects

9. Candidates shall submit such projects at such times and in such manner as the Board may from time to time prescribe.

Diploma examination

10. There shall be a Diploma examination at the end of the course which shall consist of such papers, be of such length, be taken at such time and be taken in such manner as the Board may from time to time prescribe.

Eligibility for admission to Diploma examination

11. Only those candidates who have completed the projects to the satisfaction of the Board shall be entitled to take the Diploma examination.

Award of the Diploma

12. A candidate shall be awarded the Diploma if he or she is a solicitor or barrister and has:
 - (a) Passed the Diploma examination, and

- (b) Completed two years' practical experience as a solicitor, barrister or trainee solicitor or partly as the one and partly as the other, with a local authority as defined in Section 270(1) of the Local Government Act 1972 (as amended), or has completed such other practical experience as the Board shall in its absolute discretion reasonably consider to be the equivalent for the purposes of an award of the Diploma.

Rules

- 13. The Board may make rules from time to time concerning:-
 - (a) the enrolment of candidates,
 - (b) the arrangements for projects,
 - (c) the arrangements for the Diploma examination,
 - (d) the pass marks or grades necessary for candidates, satisfactorily to complete the projects and pass the Diploma examination,
 - (e) the granting of concessions to candidates affected by illness or exceptional circumstances and
 - (f) such other matters as it may consider necessary.

Waiver

- 14. In exceptional circumstances the provisions of these regulations may be waived or varied in favour of a candidate by the committee at its discretion.

Assessment regulations

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

Interpretation

These regulations should be read in conjunction with the **Law Society's Diploma in Local Government Examination rules 1984 (as amended)** and the **Law Society's Diploma in Local Government (amended) regulations 1998**

Definitions

In these regulations, the following terms have the following meanings:

"Diploma"	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
"Diploma Board"	The Law Society's Diploma in Local Government Law and Practice Board referred to in regulation 1
"Chairperson"	The person elected as such of the Diploma Board
"Diploma Course"	The course of study leading to award of the Diploma
"Project"	A written assessment of approximately 4000 words, satisfactory completion of three of which confers eligibility to sit the Diploma examination
"Examination"	the two part examination, each part being of 2 hours 15 minutes' duration, held normally in June
"Society"	The Law Society
"Chief Project Assessor"	The person appointed as such by the Diploma Board
"Assistant Project Assessor"	The person appointed as such by the Diploma Board
"Chief Examiner"	The person appointed as such by the Diploma Board
"Assistant Examiner"	The person appointed as such by the Diploma Board
"Course Registrar"	The Assistant Registrar – The Law Society
"Secretary to the Board"	The person appointed as such by the Diploma Board

The Diploma Board

1. The Diploma Board includes: two members of the Council of the Law Society, two solicitors who are members of the Solicitors in Local Government Group of the Society, a representative of the Law Society, the Chief Project Assessor, and the Chief Examiner. There are two officers of the Board – the Course Registrar (from the Law Society) and the Secretary to the Board (from the Law Society) who may attend and speak at all meetings of the Diploma Board. Three members of the Diploma Board are a quorum for a meeting of the Diploma Board.
2. Where necessary a meeting of the Diploma Board may be held using video conferencing or telephone conferencing facilities.
3. Where it is not reasonably practicable to await the next meeting of the Diploma Board, the Chairperson may exercise any function of the Diploma Board under these Regulations.
4. The decision of the Diploma Board on any question of a candidate's performance and on any matter arising under these Regulations is final.
5. All examination results are provisional until confirmed by the Diploma Board.
6. The Chairperson of the Diploma Board may appoint a nominee to be the Chairperson of any meeting of the Diploma Board or to perform any function of the Chairperson under these Regulations.

Examiners

7. All projects should be approved by Chief Project Assessor.
8. The names of the Chief Examiner and Chief Project Assessor must be available to all candidates.
9. The examination paper will be approved following consultation between the Chief Examiner and the Assistant Examiner.
10. The Chief Examiner may inspect all examination papers and inspect all candidates' examination scripts which have been marked by the Assistant Examiner.
11. Subject to any decision of the Diploma Board, the decision of the Chief Examiner on any question of a candidate's academic performance is final.

12. The Chief Project Assessor shall produce an annual report prior to the Examination Board Meeting in September.
13. The Examiners shall produce an annual report prior to the Examination Board Meeting in September relating to the June Examination which covers:
 - 13.1 the overall standards achieved by the candidates and
 - 13.2 the design, appropriateness and marking of the Assessments

Projects

14. A candidate will be assessed by submission of three projects and an open book, written Examination. Candidates must type or word-process all projects. Candidates must submit their project script by post or fax. The Law Society can only accept project scripts by email in the form of a pdf file attachment.
15. The project submission dates are publicised in the course prospectus prior to the start of the course.
16. Any extension to the submission date must be agreed in advance by contacting the Course Registrar who will refer the matter to the Chief Project Assessor. Extensions are only granted in genuinely exceptional circumstances. Any candidate submitting a project after the due date without an agreed extension will not have that project marked and will be required to submit a replacement project during the following year's course.
17. A candidate is required to submit three satisfactory projects to be eligible to sit the written examination. A candidate passes a Project by obtaining not less than 45 marks. To be eligible to sit the examination, the candidate must reach an average of at least 50% of the marks available over the three Projects and with no project having scored less than 45%. Subject to Regulation 20 a candidate who fails to submit their project by the relevant submission date will not be able to have that project marked.
18. Each project will be subject to a word limit of 4000 words. The word limit will be set out in the instructions to candidates issued by the Law Society in relation to each Assessment. There will

be a tolerance of 200 words either way on the word limit.

Late delivery of projects

19. Where a candidate fails to submit a Project script by the specified time the Chief Project Assessor may, if satisfied that the late delivery was caused by illness or other valid cause,
- 19.1 allow the candidate to submit the project late; or
- 19.2 recommend that the candidate be allowed to submit a project during the following course year
- 19.3 the decision of the Chief Project Assessor is final regarding late delivery of projects.

The examination

20. The Examination will be held in June on a date publicised before the start of the course and is divided into two parts. Part I (10 am – 12.15pm) and Part II (2.15pm – 4.30 pm). Candidates will be notified of their eligibility to sit the examination by the Law Society no later than 3 weeks before the date of the examination.
21. The Diploma Board has a discretion to allow a candidate who has submitted two satisfactory projects to take the examination and, subject to their having passed the examination, to complete the Diploma Course by submitting one further satisfactory project during the following course year. It is not possible to submit a project at any other time than the publicised submission dates.

Examination instructions

22. Candidates must comply with such instructions governing the conduct of the examination ("Examination instructions") as the Law Society may publish from time to time.

Illness or Exceptional Circumstances

23. Where the Diploma Board is satisfied that the candidate's performance in the examination was impaired because of illness or other exceptional circumstances, the Diploma Board may take such decision(s) in relation to the candidate in question as the Diploma Board thinks reasonable in the circumstances.

24. A candidate who wishes the Diploma Board to exercise its powers under Regulation 23 must apply to the Course Registrar in the manner prescribed under Regulation 27 usually within 14 days of the date of the examination

Reconsideration by the Diploma Board

25. Subject to regulations 26-27 a candidate may apply to the Diploma Board to reconsider a decision of the Diploma Board under these regulations.
26. No application may be made for reconsideration of a decision of the Diploma Board:
- 26.1 if it relates to the academic judgement of the Project Assessors, the Examiners or of the Diploma Board; and
- 26.2 unless there are new circumstances or circumstances not previously made known to the Diploma Board.
27. Any application for reconsideration must be made to the Course Registrar in the manner prescribed under regulation 28 within 14 days of notification of the decision of the Diploma Board to the candidate by the Law Society.

Applications by candidates (examination)

28. Any application by a candidate under Regulation 25 must be in writing, and must include:
- 28.1 details of the nature of the application, identifying the regulation under which the application is made;
- 28.2 full details of the circumstances to be considered by the Diploma Board; and
29. On any application by a candidate under these regulations the Chairperson, or the Diploma Board, as the case may be, may require the candidate to supply such further details and supporting evidence as they may consider relevant before considering the candidate's application.
30. In considering any application by a candidate under these Regulations the Chairperson or the Diploma Board, as the case may be, may have regard to the candidate's performance in the submitted projects, representations made by the candidate, recommendations made by the

Examiners, and all other relevant circumstances.

Re-sits

31. **Projects:** Candidates who submit a project which is marked below 45% and wish to complete their Diploma studies will be required to submit a further satisfactory project during the following year's Diploma course. Candidates who submit 3 projects, the average mark for which is below 50 will also be required to submit a further satisfactory project during the following year's Diploma Course.
32. **Examination:** the Diploma Board may permit a candidate to re-sit the examination at the next examination date.
33. There is no intermediate or re-sit examination and the only opportunity for a candidate to sit the examination will be on the specified date in June annually. By giving leave to re-sit, the Diploma Board will normally expect a candidate to re-sit the examination at the next sitting in the following June.

Cheating

34. Where the Diploma Board is satisfied that a candidate has cheated or knowingly helped another candidate to cheat in any project or examination, it may be decided that the candidate fails the Diploma course or may impose such other penalty as it thinks fit. Cheating includes copying or plagiarising the work of any other candidate and taking or attempting to take any other step likely to afford the candidate an unfair advantage over other candidates.
35. The Diploma Board may notify the Law Society, or such regulatory body as the Diploma Board may decide, of any finding of cheating by a candidate.

Updated September 2009

Awards

36. The Law Society shall award a Diploma to any candidate who submits three satisfactory projects, passes the examination and fulfils the eligibility requirements by being either a solicitor or a barrister and having either
- (a) 2 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) 2 years' practical experience in local government work in a law firm that carries out local government work.
37. An application form for award of the Diploma shall be sent out by the Law Society with notification of the examination results.

Enrolment form 2013/2014

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

To: Diploma in Local Government Course Administrator, Commercial Affairs Admin,
Commercial Affairs, The Law Society, 113 Chancery Lane London. WC2A 1PL
(DX 56 London/Chancery Lane)

PLEASE USE BLOCK CAPITALS

Name: MR/MRS/MISS/MS

Home Address:

.....

.....

.....

Postcode:

Email address:

Daytime telephone No:

I wish to enrol on the course leading to the Diploma and enclose my/my employer's
cheque in favour of the Law Society for £1192 (VAT Exempt). NB A receipt will not be
sent unless requested.

My authority's name and address is:

.....

.....

.....

.....

DX No:

1. I confirm that (please tick as appropriate):

☐ I am a Solicitor admitted on (date of admission)
My roll no is

☐ I am a Trainee Solicitor and have passed the Legal Practice Course

☐ I am a Barrister

(continued overleaf)

2 I have read regulation 12 of the Diploma in Local Government Law and Practice (amended) regulations 1998 and (please tick as appropriate)

- i ☐ I confirm that I have (or will by the date of the examination have) completed two years practical experience with a local authority as defined in regulation 12 (b) of the Diploma in Local Government Law and Practice (amended) Regulations 1998
- ii ☐ I have practical experience of local government as set out in the attached letter and I am applying to the Diploma in Local Government Law and Practice Board for a ruling as to my eligibility to be awarded the Diploma (the Law Society will pass your letter on to the Diploma in Local Government Law and Practice Board as an application for a ruling on eligibility)
- iii ☐ I have practical experience of local government as a solicitor or barrister employed by a law firm and I am applying to the Diploma in Local Government Law and Practice Board for a ruling as to my eligibility to be awarded the Diploma. I have completed/will forward the Pre-requisite form [and will provide a portfolio of my work for consideration by the Board if the Board request this]
- iv ☐ I understand that the Diploma cannot be awarded to me until I have passed the Diploma Examination, have been admitted as a solicitor and have completed two years' practical experience as defined in Regulation 12 (b)

CANCELLATIONS:

If a student cancels his/her enrolment on or before 31 October in the year of the course having submitted no written work, a charge of 10% of the fee will be made towards administration expenses and the balance will be refunded. Upon cancellation at a later stage any refund is entirely at the discretion of the Board and will be made only in exceptional circumstances.

Signed _____

Date: _____

Data Protection The law Society needs to hold certain personal information about those enrolling on its courses and the courses it administers. Information will be held in accordance with the Data Protection Act 1998 and the Law Society's Data Protection Policy. It is a condition of acceptance onto this course that you consent to the Law Society processing your personal data. By enrolling, you signify your agreement. The Law Society's Data Protection Policy and Data Protection Declaration can be found under "website policies" on the Law Society website LGD@lawsociety.org.uk

Explanatory notes for those completing a Pre-requisite form

NB – this form should only be completed by solicitors, trainee solicitors and barristers employed by a law firm who have 2 years' practical experience in local government work in a law firm that carries out local government work (see pages 3 and 4 of this prospectus)

In order for the Diploma Board to determine whether you are eligible to enrol on the Diploma course and be awarded the Diploma, please provide the information in the boxes set out on the accompanying Local Government Diploma Pre-requisite form.

The Diploma Board will need 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. It 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.

Please bear these factors in mind when completing the form. An electronic copy can be obtained from the Local Government Diploma Course Administrator (email: LGD@lawsociety.org.uk)

If you need to include more information than the space permits, please include this on a separate sheet or sheets of paper, indicating clearly to which box the additional information relates. If using an electronic version, the boxes can be suitably enlarged.

Note:

The primary purpose of the Diploma continues to be a qualification for lawyers employed by local authorities and 36 delegates is the practical maximum per course. Therefore, your submission of this form and acceptance of your eligibility to attempt the Diploma cannot act as a promise that you will be offered a place.

In the event of an excess of demand for places over supply, the Board will give priority to local authority employees. If there are more candidates from the private sector than there are available places, then those places will be allocated by priority of booking. If you are unsuccessful in securing a place this year, priority will be given to you next year.

Pre-requisite form

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

Name of Applicant	
Daytime Telephone Number	
E-mail address	
Postal Address or DX	
1. Date of Admission / Date of Call (if applicable)	
2. Present Occupation	
3. Present Employer	
4. Please specify in detail the nature of work currently undertaken, its variety and your level of responsibility [without breaching client confidentiality, please give examples]. Please also indicate the number of cases handled and volume of local government work. <i>Note that a general description, eg "planning" will not give the Board enough information to assess your application.</i>	
5. How long have you been engaged in this work?	
6. Previous Employment within Local Government (if applicable)	
7. Previous Employment outside Local Government (if applicable)	