

Local Law

Code: 102226
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: No

Teachers

Judith Gifreu Font

Prerequisites

There are no prerequisites, but it is recommended that Administrative Law I, II and III have been passed.

The subject is taught in Catalan.

The schedule of the course, with the dates of the activities that are evaluated, is located in the Campus Virtual.

Objectives and Contextualisation

The objective of the subject is to know what is and what functions are developed by local governments. This subject is about the public administration closest to the citizen (municipality, district and province) and, consequently, the administrative level with whom most people relate, both at a private and professional level. We will analyze which organs make up this Administration (mayors, councilors, county councilors ...) and what activities they carry out: licensing, road cleaning, authorization of collective activities and parties in municipal or public facilities, management of kindergartens, ...

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.

- Memorising and utilising legal terminology.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Applying the legal standards to concrete cases.
2. Defining the legal administrative language.
3. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
4. Drawing up and formalising works, reports, documents, rulings.
5. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
6. Explaining the administrative legal standards.
7. Managing bibliographic and documentary resources: databases, browsing, etc.
8. Reflecting on administrative standards.
9. Searching sentences, articles, etc. in legal databases.
10. Students must be capable of expressing themselves with legal-administrative terminology.
11. Using the computing legal sources of information.
12. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

ITEM 1. Historical evolution of the Catalan local Administration. The nineteenth-century Administration. The Second Republic. The Municipal Law of Catalonia of 1933. Pau Vila and the regional division. The Franco dictatorship and the Consolidated text of 1955. The constitutional and statutory framework: the principles of local autonomy and financial sufficiency. The Statute of Autonomy of Catalonia of 2006.

ITEM 2. The local Administration (I). Relations of local entities with the state and autonomous administrations. The Council of Local Government of Catalonia. The local regulatory power. Types of local entities. Law 7/1985, of April 2, regulating the Bases of Local Regime and Legislative Decree 2/2003, of April 28, by which approves the Consolidated Text of the Municipal Law and Local Government of Catalonia. Law 27/2013, of December 27, on Rationalization and Sustainability of Local Administration. Law 19/2014, of 29 November, on transparency, access to public information and good governance.

ITEM 3. The local Administration (II). The province. Historical evolution and constitutional framework. Organization and competencies. Economic regime. The Law of vegueries and its modification.

ITEM 4. The local Administration (III). The comarca. Organization and competencies. Economic regime. The special regime of the Vall d'Aran.

ITEM 5. The local Administration (IV). The municipality. Concept and elements: the territory and the population. Organization and competencies. Economic resources. Electoral system. Special municipal regimes: the case of Barcelona. Local government agencies. The Metropolitan Area of Barcelona. Municipalities of municipalities. The local instrumental sector.

ITEM 6. The legal regime of local acts and agreements. Administrative procedure. Operation of the collegiate bodies. Challenge of acts and agreements.

ITEM 7. The legal status of local elected representatives. Access to the charge. Rights and duties. Patrimonial responsibility of the elect.

ITEM 8. Public services and local economic activity. Establishment and provision of services. Forms of management. Recourse to private foundations. Economic liberalization. The local public initiative in economic activity.

ITEM 9. The personnel at the service of the local Administration. Staff and civil servants. Typology. The management of human resources. Selection and promotion of the personnel. Disciplinary regime and incompatibilities.

ITEM 10. The assets of local entities. Classes of goods. Affection and disaffection. Alienation of goods.

ITEM 11. Local competencies in relation to the protection of the environment and urban planning. Law 20/2009, of December 4, on prevention and environmental control of activities. Urban waste. Waste water sanitation.

Local competencies in urban planning. Land ownership regime. Planning Management. Discipline Licenses

Methodology

Teaching and assessment methods may be submitted to change in case health authorities impose restrictions to access to campus.

Before the start of the classes, the timetable will be posted on the Virtual Campus with the concretion and scheduling of the different theoretical and practical activities that will be developed during the course.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
theoretical classes	22.5	0.9	1, 2, 3, 6, 10, 8
Type: Supervised			
Case study resolution	15	0.6	1, 3, 6, 10, 5, 4, 11
Debate	7.5	0.3	1, 9, 3, 10, 5, 7, 12, 11
Type: Autonomous			
Different readings (law, doctrine, jurisprudence)	25	1	9, 8, 11
Preparation and resolution of practical exercises	25	1	1, 9, 3, 6, 10, 5, 7, 4, 8, 12, 11
Study	50	2	9, 3, 5, 8, 12, 11

Assessment

EVALUATION SYSTEM

Continuous evaluation by solving practical cases (25%), carrying out reading checks and text comments on agenda items (25%) and presenting a free subject work on some legal aspect of local law (50%).

A student who cheats or tries to cheat in an exam will be given a 0. A student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 and will receive a warning.

Students who fail the course may be re-evaluated as long as they obtain a minimum score of 3 points out of 10. Re-evaluation will consist of an internship (50%) and a written test on the programme content (50%).

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final work	50%	2	0.08	9, 2, 3, 6, 10, 7, 4, 8, 12, 11
cases	25%	1.5	0.06	1, 9, 2, 10, 5, 12, 11
text comment, reading control	25%	1.5	0.06	2, 6, 10, 8, 12

Bibliography

1.- MANDATORY BIBLIOGRAPHY

(There isn't mandatory bibliography)

2.- RECOMMENDED BIBLIOGRAPHY

- ALMONACID LAMELAS, Víctor, Vademécum de organización, funcionamiento y régimen jurídico de las entidades locales, El Consultor de los Ayuntamientos, 2013.
- BAENA DEL ALCÁZAR, Mariano, La potestad sancionadora de los entes locales, IVAP, 2012.
- BOCANEGRA SIERRA, Raul, Bienes comunales y vecinales, Iustel, Madrid, 2007.
- CÀTEDRA ENRIC PRAT DE LA RIBA, Col·lecció Sóc regidor i ara què?, Barcelona, 2019. [www.acm.cat]
- CORRAL GARCÍA, Esteban, El funcionamiento de los órganos colegiados en las entidades locales: sus sesiones, Madrid, 2006.
- ECHÁNIZ SANS, Juan, Los gobiernos locales después de la crisis, Fundación Democracia y Gobierno Local, 2019.
- FACCIOLI Carlotta, Calidad del aire y ciudad inteligente (Smart City), Atelier, 2020.
- FERNÁNDEZ FERRARONS, Mònica, El procediment d'elaboració de les ordenances locals a la llum de la millora de la regulació, Atelier, 2020.
- FUENTETAJA PASTOR, Jesús (Dir.), La función pública local: del Estatuto Básico a la Ley de reforma local de 2013, Thomson Reuters Aranzadi, 2014.
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- GARCÍA RUBIO, Fernando, Análisis de las repercusiones de la reforma local sobre la organización, competencias y servicios de las entidades locales, INAP, 2015.
- GIFREU FONT, Judith (coord.), Introducció al Derecho Local de Catalunya, Cedecs, 2002.
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- GIRONÉS CEBRIÁN, María Elena, Los aparcamientos municipales: nuevo régimen jurídico, Barcelona, 2004.
- GOBIERNO DE ESPAÑA; Libro verde de sostenibilidad urbana y local en la era de la información, Madrid, 2012.
- GONZÁLEZ RÍOS, Isabel, El dominio público municipal: régimen de utilización por los particulares y compañías prestadoras de servicios, 2a. edición, Comares, Granada, 2005.
- LORA-TAMAYO VALLVÉ, Marta, Manual de Derecho Local, Iustel, 2015.
- MARTÍ SARDÁ, Isidre, Manual sobre el nuevo régimen jurídico de los funcionarios de Administración local de carácter nacional, Atelier, 2019.
- MARTÍNEZ FERNÁNDEZ, José Manuel (Coord.), La gestión de los servicios públicos locales, El Consultor de los Ayuntamientos, 2019.
- MORENO MOLINA, José Antonio, MAGÁN PERALES, Jose María, La responsabilidad patrimonial de las Administraciones Públicas y, en especial, de las Corporaciones Locales: un estudio desde el análisis de la jurisprudencia, Madrid, 2005.

- PASTORINO, Ana, Gobernanza multinivel y entidades locales, Dykinson, 2019.
- PUJOL FURRIOLS, Pilar, La participació de les dones en els municipis, Col. Participació Ciutadana 3, Generalitat de Catalunya, 2007.
- RIVERO YSERN, José Luis, Manual de Derecho Local, 7 Ed., Civitas, 2014.
- AAVV., La Administración local ante la gestión de la protección de datos, Thomson Reuters Aranzadi, 2019.

Consultation of regulations and case law on local matters and models of administrative documentation:
Asociación Catalana de Municipios y Comarcas (ACM): www.acm.cat