

## **LIQUOR LICENSING ACCREDITED PARALEGAL**

### **SCOPE OF ACCREDITED PARALEGAL'S COMPETENCE**

The paralegal should be able to progress a premises licence application, acting for applicant, from taking client's initial instructions through to completion of the application.

Specifically, the paralegal should be competent to:

- interview and correspond with client
- correspond and liaise with the licensing board and local authority departments and other agencies, including the Licensing Police, as required
- advise client on procedural aspects of a premises licence application;
- prepare an application for a premises licence
- submit a premises licence application to the appropriate licensing board, and progress the application in compliance with the licensing board's procedures and policies;
- attend at licensing board meetings to represent solicitor;
- attend to the transfer of a premises licence
- progress an appeal against a decision of a licensing board.

### **KNOWLEDGE**

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Liquor Licensing should be able to:

Demonstrate knowledge and understanding of:

- the steps involved in the processing of an application for a premises licence
- the rights and obligations of an applicant for a premises licence
- the information required from the client in order to complete a premises licence application correctly
- the procedures of the appropriate licensing board for an application for a premises licence
- the procedure and policies of the relevant council
- the documentation and evidence required to be submitted in support of an application
- the time scales for submission of an application to a licensing board and the importance of deadlines in relation to applications and appeals
- requirements to display notices, and the consequences of failing to display notices

- the possible outcomes of an application to the licensing board

Demonstrate knowledge and familiarity with:

- the premises licensing system, the regulatory requirements, and the sanctions for not having a valid licence in place
- Licensing (Scotland) Act 2005, as amended.

Demonstrate understanding of:

- the implications of the sale, purchase or lease of licensed premises in respect of the transfer of a premises licence

Demonstrate awareness of:

- the relevant licensing board policies and guidelines.

## SKILLS

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Liquor Licensing should be able to demonstrate:

<b>Technical skills</b>	<b>Accuracy, literacy and numeracy</b>	<ul style="list-style-type: none"> <li>• an understanding of the importance of correct detail and the consequences/risks of carelessness.</li> <li>• attention to detail in his/her work.</li> <li>• that he/she is able to produce accurate work in terms of spelling, presentation and layout, as well as content.</li> <li>• that he/she is able to deal with figures and carry out computations accurately and proficiently, as required.</li> </ul>
	<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• that he/she is able to use available technology effectively and efficiently</li> <li>• that he/she is able to use computers and word processors appropriately for carrying out and producing his/her work</li> </ul>

		<ul style="list-style-type: none"> <li>• that he/she is able to use case management systems and maintain electronic files, where appropriate</li> <li>• that he/she is able to complete and submit application forms on-line, where required</li> </ul>
	<b>Office Equipment</b>	<ul style="list-style-type: none"> <li>• that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively.</li> <li>• that he/she is able to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently.</li> </ul>
	<b>Office Systems and Procedures</b>	<ul style="list-style-type: none"> <li>• that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents.</li> <li>• compliance with office procedures, including time recording.</li> <li>• compliance with all quality standards, and other policies and processes of employer organisation.</li> </ul>
<b>Organisational Skills</b>	<b>Personal Management</b>	<ul style="list-style-type: none"> <li>• an understanding of the importance of time-limits and of the risks of breaching time-limits.</li> <li>• that he/she is able to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively.</li> <li>• that he/she is able to manage his/her personal workload, including managing a number of concurrent matters effectively so as to meet all objectives, priorities and deadlines in each matter</li> <li>• that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively.</li> </ul>

		<ul style="list-style-type: none"> <li>• that he/she only accepts work which he/she feels competent to undertake.</li> <li>• that he/she is clear as to the work and responsibilities delegated to him/her by the Supervising Solicitor, and understands the limits in relation to that role</li> <li>• that he/she recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and that he/she does so.</li> <li>• that he/she recognises that it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and that he/she does so.</li> <li>• that he/she recognises when it is necessary to seek support and/or advice from his/her Supervising Solicitor, when it is necessary or required to refer an issue in its entirety to the Supervising Solicitor, and that he/she does so.</li> <li>• that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor</li> <li>• that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews.</li> </ul>
	<b>File Management</b>	<ul style="list-style-type: none"> <li>• good file management practices in terms of: <ul style="list-style-type: none"> <li>- opening new files</li> <li>- filing documents and correspondence as appropriate</li> <li>- keeping filing up to date</li> <li>- taking and filing accurate notes of telephone calls and meetings</li> <li>- closing file when completed or instructed to close file</li> </ul> </li> <li>• that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time</li> </ul>
<b>Communication Skills</b>	<b>Generally</b>	<ul style="list-style-type: none"> <li>• that he/she is able to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including: <ul style="list-style-type: none"> <li>- identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>- producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose.</li> <li>• confidence and assurance in his/her dealings with people, whether in person or over the telephone.</li> </ul>
	<b>Face to face Communication</b>	<ul style="list-style-type: none"> <li>• that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding.</li> <li>• that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> <li>- using appropriate telephone answering and handling techniques</li> <li>- using a good telephone manner which is efficient and polite</li> <li>- being able to establish the content and nature of telephone calls from the caller, whether or not a client</li> </ul> </li> </ul>
	<b>Written Communication</b>	<ul style="list-style-type: none"> <li>• that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> <li>- using clear language, correct spelling and appropriate grammar, syntax and punctuation</li> <li>- demonstrating attention to detail</li> <li>- adopting a style appropriate to the recipient</li> </ul> </li> </ul>
	<b>Electronic Communication</b>	<ul style="list-style-type: none"> <li>• that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> <li>- understanding and using proper business and professional etiquette within an electronic environment</li> <li>- understanding the difference between letters and e-mails and when the latter are appropriate</li> <li>- properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.</li> </ul> </li> </ul>
<b>Inter-personal Skills</b>		<ul style="list-style-type: none"> <li>• that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve</li> </ul>

		<p>goals and to identify and resolve problems.</p> <ul style="list-style-type: none"> <li>• that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> <li>- working co-operatively and willingly with others in own and other's teams</li> <li>- communicating effectively with those with whom the paralegal needs to work</li> <li>- knowing when to ask for support from, or to offer support to, other team members</li> <li>- knowing when to refer issues or ask for guidance from Supervising Solicitor</li> </ul> </li> </ul>
<b>Practice Skills</b>	<b>Research</b>	<ul style="list-style-type: none"> <li>• that he/she knows where to look for and find information required to carry out his/her work.</li> <li>• that he/she is able to use key primary (eg Acts, Regulations etc) and secondary (eg key text and reference books) sources</li> <li>• that he/she is able to find and apply the policies and procedures of the relevant licensing board to the particular client</li> </ul>
	<b>Interviewing</b>	<ul style="list-style-type: none"> <li>• that he/she is able to conduct a client-centered interview effectively, including: <ul style="list-style-type: none"> <li>- preparing for the interview appropriately</li> <li>- listening and eliciting required legal, personal and factual information, and full instructions from client</li> <li>- recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference</li> </ul> </li> </ul>
	<b>Writing and drafting</b>	<ul style="list-style-type: none"> <li>• that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> <li>- communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others</li> <li>- tailoring style of communication to suit the purpose of the communication</li> </ul> </li> </ul>

		<p>and the needs of different clients and other recipients</p> <ul style="list-style-type: none"> <li>- producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents.</li> </ul> <ul style="list-style-type: none"> <li>• that he/she is able to draft documents which are: <ul style="list-style-type: none"> <li>- well-organised</li> <li>- valid in terms of content and form</li> <li>- use correct legal terminology</li> <li>- address relevant legal and factual issues accurately</li> <li>- ensuring documents are validly executed and registered in relevant registers, where necessary</li> </ul> </li> <li>• that he/she is able to use precedent documents and styles by: <ul style="list-style-type: none"> <li>- identifying the appropriate precedent document or style required</li> <li>- adapting the precedent document or style to the particular context</li> <li>- understanding when non-standard variations may be needed and referring to Supervising Solicitor.</li> </ul> </li> <li>• that he/she is able to complete prescribed forms accurately</li> <li>• that he/she is able to produce or prepare other required documentation which is: <ul style="list-style-type: none"> <li>- accurate</li> <li>- well-organised</li> <li>- appropriate</li> </ul> </li> <li>• that he/she is able to complete a premises licence application and transfer forms</li> </ul>
<p><b>(if required for specific domain)</b></p>	<p><b>Negotiation</b></p>	<ul style="list-style-type: none"> <li>• that he/she is able to take part in a negotiation effectively, including: <ul style="list-style-type: none"> <li>- preparing appropriately for the negotiation</li> <li>- negotiating</li> <li>- within the agreed instruction and remit</li> <li>- negotiating according to the practice and conventions of the particular Legal Domain</li> </ul> </li> </ul>

<b>(if required for specific domain)</b>	<b>Advocacy</b>	<ul style="list-style-type: none"> <li>• that he/she is able to advocate a case on behalf of a client effectively in accordance with relevant rules and procedure, in cases where a Registered Paralegal has jurisdiction and authority to appear, or where preparing on behalf of the Supervising Solicitor where the Supervising Solicitor will appear, including: <ul style="list-style-type: none"> <li>- preparing appropriately for the submission</li> <li>- using legal authorities, relevant facts and documentation in preparation for, and during, a submission</li> <li>- using effective speaking skills</li> <li>- demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy</li> </ul> </li> </ul>
<p><b>VALUES AND ATTITUDES</b></p> <p>By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:</p>		
<b>Legal and Ethical Issues</b>		<ul style="list-style-type: none"> <li>• understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors</li> <li>• adheres to rules issued by the Society in respect of completion of ten hours of Registered Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.</li> </ul>
<b>Attitudes</b>		<ul style="list-style-type: none"> <li>• understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation</li> <li>• only accepts work which they feel competent to undertake.</li> <li>• is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role.</li> <li>• recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so.</li> <li>• recognises it is paramount to raise concerns/issues relating to completion of</li> </ul>

		<p>tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and does so.</p> <ul style="list-style-type: none"> <li>• recognises when it is necessary to seek support and/or advice from Supervising Solicitor when required or refers an issue in its entirety to the Supervising Solicitor, and does so.</li> <li>• recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor.</li> <li>• updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person.</li> <li>• engages with continuing professional and personal development, including: <ul style="list-style-type: none"> <li>- being aware of the importance to self-assess, reflect and develop personally and professionally</li> <li>- assessing/identifying where development is required</li> <li>- evaluating strengths and weaknesses of own skills and knowledge, and working</li> </ul> </li> </ul>
<b>Focus</b>	<b>Professional</b>	<ul style="list-style-type: none"> <li>• understands and adheres to good practice in carrying out the work he/she is instructed to do.</li> </ul>
	<b>Client</b>	<ul style="list-style-type: none"> <li>• works in a client-centered way and manages client service well, including: <ul style="list-style-type: none"> <li>- being aware of the differences in acting for different types of client</li> <li>- communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis</li> <li>- informs Supervising Solicitor of any client complaint immediately that it arises</li> <li>- regularly updating Supervising Solicitor on work being done for clients</li> </ul> </li> <li>• manages client expectations</li> <li>• is able to advise the client on the legal consequences of the client's instructions</li> </ul>