**APPENDIX 5 Licence review guidelines**

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|  | **Aggravating factors** | **Mitigating factors** |
| **Prevention of crime and disorder** | * Failure to heed police or licensing authority advice * Encouraging or inciting criminal behaviour associated with licensed premises * Serious injury results from poor management * Previous track record * Deliberate or direct involvement in criminality | * Minor breach of condition not justifying a prosecution * Confidence in management ability to rectify defects * Previous track record * Voluntary proposal/acceptance of additional conditions |
| **Prevention of public nuisance** | * Noise late at night in breach of condition or statutory abatement notice * Previous warnings ignored * Long and prolonged disturbances * Excessive noise during unsocial hours (relating to locality and activity concerned) | * Noise limiting device installed * Licence-holder apologised to those disturbed by nuisance * Hotline complaints telephone available * Undertaking/commitment not to repeat activity leading to disturbance * Willingness to attend mediation * Voluntary proposal/acceptance of additional conditions |
| **Public safety** | * Death or serious injury occurred * Substantial risk in view of a responsible authority to public safety involved * Previous warnings ignored * Review arose out of wilful/deliberate disregard of licence conditions | * Minor or technical breach of licence condition * Confidence in management to rectify defects * Confidence in management to avoid repetition of incident * Voluntary acceptance/proposal of additional condition |
| **Protection of children from harm** | * Age of children * Previous warnings ignored * Children exposed to physical harm/danger as opposed to other threats * Activity arose during normal school hours * Deliberate or wilful exploitation of children * Large number of children affected/involved * Children not allowed on premises as part of operating schedule/conditions | * Conduct occurred with lawful consent of persons with parental responsibility for child * Short duration of event * No physical harm * Short-term disturbance * Undertaking/commitment not to repeat activity * Children permitted on the premises as part of operating schedule * Not involving under-age exposure to alcohol |
|  | **Aggravating factors** | **Mitigating factors** |
| **Application for review after other enforcement action taken by responsible authorities** | * Penalty imposed by court * Previous warnings ignored * Previous review hearing held resulting in any corrective action * Premises licence holder previously convicted or cautioned for same or similar offences/contraventions * Offences over prolonged period of time * Offences resulted in significant danger or nuisance * Offences as a result of deliberate actions or reckless disregard for licensing requirements * Offence likely to be repeated | * Compensation paid by offender or agreement towards mediation * Voluntary acceptance/proposal of additional conditions * Offence disposed of by way of simple caution or fixed penalty notice * First offence or warning * First review hearing * Single offence/breach * No danger to the public or nuisance * Offences merely administrative in nature * Offence unlikely to be repeated |
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| **Range of likely responses available to the Licensing Panel** | * To take no action * To issue a written warning * To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) * Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions * To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate * To suspend the licence for a period not exceeding three months * To revoke the premises licence or withdraw the club premises certificate | |