**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
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|  | **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
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