

# Appendix 5

## APPENDIX 1

### Licence review guidelines

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Prevention of crime and disorder</b>	<ul style="list-style-type: none"> <li>• Failure to heed police or licensing authority advice</li> <li>• Encouraging or inciting criminal behaviour associated with licensed premises</li> <li>• Serious injury results from poor management</li> <li>• Previous track record</li> <li>• Deliberate or direct involvement in criminality</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach of condition not justifying a prosecution</li> <li>• Confidence in management ability to rectify defects</li> <li>• Previous track record</li> <li>• Voluntary proposal/acceptance of additional conditions</li> </ul>
<b>Prevention of public nuisance</b>	<ul style="list-style-type: none"> <li>• Noise late at night in breach of condition or statutory abatement notice</li> <li>• Previous warnings ignored</li> <li>• Long and prolonged disturbances</li> <li>• Excessive noise during unsocial hours (relating to locality and activity concerned)</li> </ul>	<ul style="list-style-type: none"> <li>• Noise limiting device installed</li> <li>• Licence-holder apologised to those disturbed by nuisance</li> <li>• Hotline complaints telephone available</li> <li>• Undertaking/commitment not to repeat activity leading to disturbance</li> <li>• Willingness to attend mediation</li> <li>• Voluntary proposal/acceptance of additional conditions</li> </ul>
<b>Public safety</b>	<ul style="list-style-type: none"> <li>• Death or serious injury occurred</li> <li>• Substantial risk in view of a responsible authority to public safety involved</li> <li>• Previous warnings ignored</li> <li>• Review arose out of wilful/deliberate disregard of licence conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Minor or technical breach of licence condition</li> <li>• Confidence in management to rectify defects</li> <li>• Confidence in management to avoid repetition of incident</li> <li>• Voluntary acceptance/proposal of additional condition</li> </ul>
<b>Protection of children from harm</b>	<ul style="list-style-type: none"> <li>• Age of children</li> <li>• Previous warnings ignored</li> <li>• Children exposed to physical harm/danger as opposed to other threats</li> <li>• Activity arose during normal school hours</li> <li>• Deliberate or wilful exploitation of children</li> <li>• Large number of children affected/involved</li> <li>• Children not allowed on premises as part of operating schedule/conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct occurred with lawful consent of persons with parental responsibility for child</li> <li>• Short duration of event</li> <li>• No physical harm</li> <li>• Short-term disturbance</li> <li>• Undertaking/commitment not to repeat activity</li> <li>• Children permitted on the premises as part of operating schedule</li> <li>• Not involving under-age exposure to alcohol</li> </ul>

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Application for review after other enforcement action taken by responsible authorities</b>	<ul style="list-style-type: none"> <li>• Penalty imposed by court</li> <li>• Previous warnings ignored</li> <li>• Previous review hearing held resulting in any corrective action</li> <li>• Premises licence holder previously convicted or cautioned for same or similar offences/contraventions</li> <li>• Offences over prolonged period of time</li> <li>• Offences resulted in significant danger or nuisance</li> <li>• Offences as a result of deliberate actions or reckless disregard for licensing requirements</li> <li>• Offence likely to be repeated</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation paid by offender or agreement towards mediation</li> <li>• Voluntary acceptance/proposal of additional conditions</li> <li>• Offence disposed of by way of simple caution or fixed penalty notice</li> <li>• First offence or warning</li> <li>• First review hearing</li> <li>• Single offence/breach</li> <li>• No danger to the public or nuisance</li> <li>• Offences merely administrative in nature</li> <li>• Offence unlikely to be repeated</li> </ul>
<b>Range of likely responses available to the Licensing Panel</b>	<ul style="list-style-type: none"> <li>• To take no action</li> <li>• To issue a written warning</li> <li>• To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one)</li> <li>• Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions</li> <li>• To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To revoke the premises licence or withdraw the club premises certificate</li> </ul>	