

This review of Baba Jaga 2 has been resubmitted due to it being pointed out that the original paperwork submitted earlier this month was not signed as required.

The issue has now been rectified in this version.





**WEST YORKSHIRE
POLICE**

REV1

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC [REDACTED] CLIFFORD (insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Baba Jaga 2 12-14 Strathmore Drive	
Post town Leeds	Post code LS96AB

Name of premises licence holder or club holding club premises certificate (if known) Baba Jaga 2 LTD
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Number of premises licence or club premises certificate (if known) PREM/01387/004

Part 2 – Applicant details

I am Please tick ✓ yes

1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

- 2 A responsible authority (please complete (C) below)
- 3 A member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname First names

I am 18 years old or over Please tick Yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name PC [REDACTED] CLIFFORD
C/O Leeds District HQ Elland Road Police Station Elland Road LS118BU
Telephone number (if any)
E-mail (optional) [REDACTED]

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

1. the prevention of crime and disorder ✓
2. public safety ✓
3. the prevention of public nuisance
4. the protection of children from harm ✓

Please state the ground(s) for review (please read guidance note 2)

On 16th June a joint operation was executed in Harehills aimed at off licences selling illicit tobacco and non-duty paid alcohol.

The operation was in collaboration with HMRC, Trading Standards, West Yorkshire Police and Leeds City Council Licensing.

Baba Jaga 2 was found to be storing non-duty paid alcohol openly in the store for sale to members of the public.

Trading Standards also found large quantities of illegal electronic disposable vapes, cigarettes and rolling tobacco which they seized on the day.

On 10th July 2023 Trading Standards conducted a test purchase at the shop and bought an illegal packet of cigarettes for £4 which is far below the price possible for the cigarettes to be sold with duty being paid on them.

Trading Standards have also evidenced 3 further test purchases on 20/09/2021, 28/09/2021 and 24/04/2023 and on each of these illegal cigarettes were purchased.

Baba Jaga 2 and the people operating it are habitually selling illegal cigarettes as well as non-duty paid alcohol. The sale of smuggled goods is a criminal offence which must be taken especially serious given the fact Baba Jaga 2 currently holds a premises licence. Baba Jaga 2 are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

Further to that on Wednesday 13th September 2023 and on Monday 25th September West Yorkshire Police conducted a test purchase operation whereby the shop sold alcohol to Police Cadets who

were under the age of 18 years old. This further demonstrates how far away the premises are from upholding the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

Trading Standards have assessed the tobacco products and deemed them to be illicit/smuggled and provided a statement to evidence this.

HMRC have seized alcohol from the premises and deemed it to be non-duty paid which they have evidenced in a statement.

West Yorkshire Police have evidenced in a statement the sale of alcohol to underage Police cadets.

Have you made an application for review relating to this premises before? Please tick ✓ yes

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)

Signature  or other duly authorised agent. (See guidance note 3) Please state in what capacity.

Signature

Date 30/10/23 ✓

Capacity West Yorkshire Police Licensing officer.

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Nicole Stoddart

URN: 88/Code/CAN/YY

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Officer of HMRC

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: ¹ Nicole Stoddart

Date: 09/10/2023

Indicate if witness evidence is visually recorded² Y/N (If YES, see guidance)

3

I am an Officer of His Majesty's Revenue and Customs currently employed in the Taskforce & Specialist Compliance Alcohol Team located in Leeds. My duties include processing excise applications, conducting announced and unannounced revenue inspections, and conducting compliance checks on excise traders. This includes checking records such as invoices to establish the duty status of excise goods.

I am authorised to make this disclosure under Section 19 of the Anti-Terrorism, Crime and Security Act 2001 in relation to the following subject.

I have been asked about Baba Jaga 2, 12-14 Strathmore Drive, Harehills, Leeds, LS9 6AB; in relation to matters concerning the unannounced revenue inspection conducted on 16 June 2023, in a multi organisation operation with West Yorkshire Police, Trading Standards and Leeds City Council licencing team.

On 16 June 2023 HMRC officers (myself, Claire Horsfield, Lucy Donley and Laura Wass) entered Baba Jaga 2 under the Customs and Excise Management Act (CEMA) 1979 Section 112. We were greeted by an employee, [REDACTED] and explained that we would be conducting a revenue inspection and asked for any alcohol invoices held on the premises. They were unable to provide these.

[REDACTED] called the owner [REDACTED] who advised that all invoices were at the accountant, and he would arrange for those to be emailed to us. He would not be able to provide invoices for the Ventunu 21 wine in the shop as he didn't have any. [REDACTED] informed officers that the Gorlovka

Date: 09/10/2023

Signature: Nicole Stoddart
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Page 1 of 2

Statement of: **Nicole Stoddart****URN: 88/Code/CAN/YY**

vodka was purchased from a Turkish guy, not a legitimate supplier, and they didn't have invoices for these either.

An invoice was provided to me for Polish beer, but this was from 15 November 2022, so was not accepted as it was too old to cover the stock in the premises.

The decision was made to seize the Ventuno 21, Gorlovka and beer where invoices could not be provided, as the duty status of the goods could not be determined. The seizure occurred under CEMA 1979 Section 139.

In total, 180 cases and 22 cans of beer were seized (24 cans per case), 11 cases and 2 bottles of wine were seized (6 bottles per case) and 1 case and 8 bottles of vodka were seized (12 bottles per case). Following the seizure, it was calculated that the excise duty owed on the goods totalled £3,233.77.

The duty was calculated using the following formulas:

Beer: $AVB\% \times \text{Hectolitre} \times \text{Duty rate at the time}$ (£19.08)

Wine: $\text{Total Hectolitre} \times \text{Duty rate at the time}$ (£297.57)

Spirit: $\text{Total Litre} \times ABV\% \times \text{Duty rate at the time}$ (£28.74)

The street value of the goods seized cannot be determined, as no invoices were obtained it is not possible to determine purchase price of these goods. The price at which Baba Jaga 2 would sell these goods would not be inclusive of excise duty.

I now produce STODDART01, duty schedule for the seizure from 16 June 2023

These documents were created or received by Officers of His Majesty's Revenue and Customs in the course of their official duties from information supplied by a person or persons who may be reasonably be supposed to have had a personal knowledge of matters dealt with. Where the information was supplied through others, each of them received it in the course of a trade, business, occupation or office. The person or persons who originally supplied the information cannot reasonably be expected to have recollection of the matters dealt with in the documents.

Date: 09/10/2023

Signature: Nicole Stoddart
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Address Baba Jaga 2, 12-14 Strathmore Drive, Leeds LS9 5AB
 Date 16-Jun-23

Product	Brand	ABV %	Litres Per Unit	Units Per Case	Full Cases	Loose bottles/cans	Total Litres	Hectolitres	Hectolitres	Litres	Duty Rate	Duty Due
Beer	Lech	5	0.5	24	8		96	0.96	4.8		£19.08	£91.58
Beer	Zubr	6	0.5	24	7		84	0.84	5.04		£19.08	£96.16
Beer	Perla Midowe	5.4	0.5	24	7		84	0.84	4.536		£19.08	£86.55
Beer	Perla Moore	7.1	0.5	24	15		180	1.8	12.78		£19.08	£243.84
Beer	Warka Strong	6.3	0.5	24	5		60	0.6	3.78		£19.08	£72.12
Beer	Desperados	3.9	0.5	24	13		156	1.56	6.084		£19.08	£116.08
Beer	Tyskle	5	0.5	24	4		48	0.48	2.4		£19.08	£45.79
Beer	OJ	8.5	0.5	24	9		108	1.08	9.18		£24.77	£227.39
Beer	Okocim Bottles	6.5	0.5	20	1	19	19.5	0.195	1.2675		£19.08	£24.18
Beer	Kronenbourg	5	0.5	24	5		60	0.6	3		£19.08	£57.24
Beer	Perla Green	6	0.5	24	3		72	0.72	4.32		£19.08	£82.43
Beer	Namyslow	5.8	0.5	24	3		36	0.36	2.088		£19.08	£39.84
Beer	Heineken	5	0.5	24	4		48	0.48	2.4		£19.08	£45.79
Beer	Karpacke	9	0.5	24	16	20	202	2.02	18.18		£24.77	£450.32
Beer	Kestrel Super	9	0.5	24	1		12	0.12	1.08		£24.77	£26.75
Beer	Stella	5.2	0.5	24	12		144	1.44	7.488		£19.08	£142.87
Beer	Stella Pint	5	0.568	24	9		122.688	1.22688	6.1344		£24.77	£117.04
Beer	Oraniboom Strong	8.5	0.5	24	16		192	1.92	16.32		£19.08	£404.25
Beer	Skol Super	8	0.5	24	2		24	0.24	1.92		£19.08	£36.63
Beer	San Miguel	5.4	0.5	24	9		108	1.08	5.832		£19.08	£111.27
Beer	Zywlic	5.6	0.5	24	12		144	1.44	8.064		£19.08	£153.86
Beer	Hoisten Pills	5	0.5	24	5		60	0.6	3		£19.08	£57.24
Beer	Debowe	7	0.5	24	3		36	0.36	2.52		£19.08	£48.08
Beer	Heineken	5	0.5	24	16		8	0.08	0.4		£19.08	£7.68
Beer	Lech	5	0.5	24	1		0.5	0.005	0.025		£19.08	£0.48
Beer	Hoisten Pills	5	0.5	24	12		6	0.06	0.3		£19.08	£5.72
Beer	Tyskle	5	0.5	24	12		6	0.06	0.3		£19.08	£5.72
Beer	Perla Green	6	0.5	24	12		6	0.06	0.36		£19.08	£6.87
Beer	Zubr	6	0.5	24	12		6	0.06	0.36		£19.08	£6.87
Beer	Karpacke	9	0.5	24	5		2.5	0.025	0.225		£24.77	£5.57
Beer	OJ	8.5	0.5	24	11		5.5	0.055	0.4675		£24.77	£11.58
Beer	Oraniboom Strong	8.5	0.5	24	11		5.5	0.055	0.4675		£24.77	£11.58
Beer	San Miguel	5.4	0.5	24	6		3	0.03	0.152		£19.08	£3.09
Beer	Perla Midowe	5.4	0.5	24	11		5.5	0.055	0.297		£19.08	£5.67
Beer	Perla Moore	7.1	0.5	24	8		4	0.04	0.284		£19.08	£5.42
Beer	Zywlic	5.6	0.5	24	16		8	0.08	0.448		£19.08	£8.55
Beer	Debowe	7	0.5	24	11		5.5	0.055	0.385		£19.08	£7.35
Beer	Warka Red	5.2	0.5	24	14		7	0.07	0.364		£19.08	£6.95
Beer	Warka Strong	6.3	0.5	24	20		10	0.1	0.63		£19.08	£12.02
Beer	Stella Pint	5	0.568	24	13		7.384	0.07384	0.3692		£19.08	£7.04
Beer	Kestrel Super	9	0.5	24	23		11.5	0.115	1.035		£24.77	£25.64
Spirit	Gorlovka	40	0.7	12	1	8	5.6			2.24	£28.74	£64.38
Spirit	Gorlovka	40	0.7	12	1	8	8.4			3.36	£28.74	£96.57
Wine	Ventuno 21 Merlot/Pinot Grigio	12	0.75	6	1	8	6	0.06			£297.57	£17.85
Wine	Ventuno 21 Sauvignon Blanc	12	0.75	6	1	8	4.5	0.045			£297.57	£13.39
Wine	Ventuno 21 Pinot Grigio Rose	12	0.75	6	1	8	4.5	0.045			£297.57	£13.39
Wine	Ventuno 21 Pinot Grigio	11.5	0.75	6	8		36	0.36			£297.57	£107.13
					183		269	2269.072				£3,233.77

WITNESS STATEMENT


Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of: Jason Lee BETHELL

Age of witness: (if over 18 enter 'over 18') Over 18

Occupation: Illicit Tobacco officer


This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 11/07/2023 **Signature:** 

I am an Illicit Tobacco officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

On 20/09/2021 a test purchase was conducted by Trading Standards officers at Baba Jaga 2, 12-14 Strathmore Drive, Leeds, LS9 6AB and an illegal packet of cigarettes was purchased for £5.00.

On 28/09/2021 an inspection visit was conducted at the store and a quantity of illegal cigarettes and hand rolling tobacco was seized from the rear store room.

NOTE : *If statements are typed double spacing should be used. One side only of this paper should be used.* (Signed) 

Dated.....11/07/2023..... Page 1 of 3

To be completed if applicable:being unable to read the above statement I,of....., read it to him/her before he/she signed it. Signed Dated.....

Continuation Statement of: Jason Lee BETHELL

On 24/04/2023 a test purchase was conducted at Baba Jaga 2 and an illegal packet of Richmond cigarettes was purchased for £4.00. The cigarettes were obtained from a vehicle parked next to the store on Seaforth Avenue and brought back into the store to the sales counter to make the sale.

On 16/06/2023 an inspection was conducted at Baba Jaga 2 by Trading Standards and HMRC officers. A large quantity of illegal cigarettes and hand rolling tobacco was seized from a vehicle parked next to the store on Seaforth Avenue. A substantial quantity of non duty paid alcohol was also seized by HMRC officers and 248 electronic disposable vapes were seized by Trading Standards officers from behind the counter. The vapes were illegal as they contained more than the permitted amount of liquid for this item of 2ml.

On 10/07/2023 another test purchase was conducted at Baba Jaga 2 and an illegal packet of Richmond cigarettes was purchased for £4.00. The cigarettes were obtained from a room at the rear of the store and brought to the sales counter to make the sale. This store has clearly continued to sell illegal cigarettes.

NOTE : If statements are typed double spacing should be used.
One side only of this paper should be used.

(Signed) 

Dated.....11/07/2023..... Page 1 of 3

To be completed if applicable:being unable to read the
above statement I,of.....
read it to him/her before he/she signed it. Signed Dated.....



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B


Continuation Statement of: Jason Lee BETHELL

I visually examined the tobacco products that were purchased and seized from the store. I could see they were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From discrepancies in the packaging on some cigarettes and from the foreign excise stamps present on others it was clear to me the cigarettes were a mix of counterfeit and smuggled items

The normal price for a packet of Richmond cigarettes is around £12.00, around £8.00 of which is excise duty. This has clearly not been paid on the illegal cigarettes being sold by Baba Jaga 2.

The sale of Counterfeit/Illicit Tobacco products is not a minor breach of Trading Regulations but is in fact Serious Organised Criminality. These items which cannot be legally sold in the UK are smuggled into the country on a vast scale. The Profits of this illegal trade going to criminals while the treasury is deprived of the Tax/Excise. The current yearly loss in revenue is in excess of £2.5 billion which in turn deprives public services of funding.

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy

NOTE : If statements are typed double spacing should be used. (Signed) 
One side only of this paper should be used.

Dated.....11/07/2023..... Page 1 of 3

To be completed if applicable:being unable to read the above statement I,of....., read it to him/her before he/she signed it. Signed Dated.....



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Continuation Statement of: Jason Lee BETHELL

to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

The supply of illegal tobacco not only causes harm to people but also causes genuine businesses to lose income and potentially close. This damages local communities with reduced employment and the loss of essential services.

*NOTE : If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed) 

Dated.....11/07/2023..... Page 1 of 3

To be completed if applicable:being unable to read the above statement I,of.....
read it to him/her before he/she signed it. Signed Dated.....

WEST YORKSHIRE POLICE
OFFICIAL SENSITIVE (when complete)

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

13230521304

URN:

Statement of: PC [REDACTED] YUSUF HUSSAIN

Date of birth: Over 18

Occupation: Police Constable

This statement (consisting of: page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signature: Y.HUSSAIN

Date: 02/10/2023

Time and date statement taken: 07:57 MONDAY 2nd OCTOBER 2023.

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable serving in West Yorkshire Police, currently based at Killingbeck Police station. On MONDAY 25th SEPTEMBER 2023 I was on duty in plain clothes working on a test purchase operation targeting the sale of alcohol to persons under 18 years of age.

On the above-mentioned date, myself, PC [REDACTED] HUSSAIN, and child X aged 16 (a test purchase child) were present at BABA JAGA 2 store on STRATHMORE DRIVE, LEEDS. At approximately 18:04 hours I followed the test purchase child, who was working with the Police on the operation, into the off-licence premises called BABA JAGA 2.

I observed the test purchase child browse the alcohol section of the store and pick up and ALCOHOL MIX, BLUE, WKD, valued at £3.79. The alcohol by volume (ABV) of this product is 4%

At approximately hours 18:06 hours, I was standing close by when I observed the test purchase child attempt to purchase the alcoholic drink described above. I saw the test purchase child hand over payment in cash for the above-described alcoholic drink which was accepted. At no time was the test purchase child asked their age or asked to show any identification indicating their age. then saw the test purchase child leave the store with the alcoholic drink purchased.

I now know the seller to be:

Signature: Y.HUSSAIN

Signature witnessed by: Y.HUSSAIN

NICHE Ref. No:	13230521304	URN:	
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Continuation Statement of YUSUF HUSSAIN

██████████

Shortly afterwards I was present at the point of sale when PS ██████████ ELLIS entered the store and he produced the item handed to him by the test purchase child, given to him after the sale took place, and he then approached the sales staff.

At this point I also identified myself as a Police Officer and produced my warrant card for inspection.

I confirmed to PS ██████████ ELLIS that the person behind the counter was the person who sold the item to the test purchaser. PS ██████████ ELLIS then pointed out the offence to this person, the seller. I was present when the Community Resolution document for selling alcohol to a person under the age of 18 years contrary to S.146(1) of the Licensing Act 2003 was issued.

Signature: Y.HUSSAIN

Signature Witnessed by: Y.HUSSAIN

WEST YORKSHIRE POLICE
OFFICIAL SENSITIVE (when complete)

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

13230511415

URN:

Statement of: PC [REDACTED] SAMANTHA DIXON

Date of birth: Over 18

Occupation: POLICE CONSTABLE

This statement (consisting of: 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: S.DIXON [REDACTED]

Date: Wednesday 20TH September 2023

Time and date statement taken: 11:18 hours on Wednesday 20th Septemebr 2023

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable serving in West Yorkshire Police, currently based at Killingbeck Fire station. On Wednesday 13th September 2023 I was on duty in plain clothes working on a test purchase operation targeting the sale of alcohol to persons under 18 years of age. The test purchase children were given a £20 note for this operation which was returned in full at the end of the operation.

At approximately 18:55 I was in company with child X and Y aged 14 and 15 years old, who were test purchase children, and PC [REDACTED] HALL. PC HALL was also in plain clothes for this operation. We were present at Baba Jaga 2, 12 – 14 Strathmore Drive, LS9 6AB.

At approximately 18:55 I followed the test purchase children, who were working with the Police on the operation, into an off-licence premises called Baba Jaga 2, 12 – 14 Strathmore Drive, LS9 6AB

I observed the test purchase children browse the alcohol section of the store and pick up a single bottle of GUINNESS valued at £2.39. No receipt had been given at the time of the sale.

The alcohol by volume (ABV) of this product is 4.2%.

Signature: S.DIXON 5789

Signature witnessed by:

NICHE Ref. No:	13230511415	URN:	Error! Reference source not found.
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Continuation Statement of SAMANTHA DIXON

At approximately 18:57 I was standing close by when I observed the test purchase children attempt to purchase the alcoholic drink described above. I heard the seller, who I now know to be [REDACTED] state the value of the bottle of alcohol.

I saw the test purchase children hand over payment in cash for the above-described alcoholic drink which was accepted. At no time was the test purchase child asked their age or asked to show any identification indicating their age.

I left the store with the test purchase children and PC HALL to get them back to the unmarked police car that had been parked on STRATHMORE DRIVE and met with PC [REDACTED] FARRAR (uniformed officer) and informed him of the results of the test purchase.

Shortly afterwards I was present at the point of sale with PC FARRAR (uniformed officer), we had entered the store and he produced item handed to him by the test purchase children, given to him after the sale took place, and he then approached the sales staff.

At this point I also identified myself as a Police Officer and produced my warrant card for inspection.

I confirmed to PC FARRAR (uniformed officer) that the person behind the counter was the person who sold the item to the test purchaser. [REDACTED] stated to PC FARRAR that he had sold the alcoholic drink to myself, rather than the children. I pointed out at this point that I was not the person he had sold the alcoholic drink too.

Signature: S.DIXON 5789

Signature Witnessed by:

NICHE Ref. No:	13230511415	URN:	Error! Reference source not found.
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Continuation Statement of SAMANTHA DIXON

PC FARRAR (uniformed officer) then pointed out the offence to [REDACTED] the salesperson.

I was present when PC FARRAR (uniformed officer) issued him with a Community Resolution document for selling alcohol to a person under the age of 18 years contrary to S.146(1) of the Licensing Act 2003.

Signature: S.DIXON 5789

Signature Witnessed by:

OFFICIAL SENSITIVE (when complete)

WITNESS STATEMENT(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

URN:

Statement of: PC Neil Haywood

Date of birth: Over 18

Occupation: PC [REDACTED]

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: N Haywood

Date: 10-10-23

Signature witnessed by: N/A

Date:

Time and date statement taken:

Check box if witness evidence is visually recorded (supply witness defaults on rear)

I am a West Yorkshire Police Officer currently stationed on the Licensing Team covering East and Outer South Leeds. I write this statement in support of a closure order at Baba Jaga 2, 12-14 Strathmore Drive, Harehills, Leeds.

On the 4th October 2023 at 12:15 hours, We met with Omar Rashka, the premises licence holder for Baba Jaga 2. Omar was invited in for a formal meeting to discuss 2 previous sales of alcohol to children. One of the sales which took place on the 25th September was by a male named [REDACTED] who NPT officers flagged to our department that they were concerned he was working illegally and did not have rights to work in the UK. This is a serious concern.

Omar stated in the meeting that he was the premises licence holder and had just come back from honeymoon so was not present when the sales took place. We went through both occasions when the sales took place. On the 13th September, the sale was made by a male named [REDACTED] Omar stated he was the manager for the shop and also a personal licence holder. This is an aggravating factor, a personal licence holder has to attend a course and examination around licensing laws and the licensing objectives as part of this course. He should be well versed in his roles and responsibilities and the dangers of selling to children. This was pointed out to Omar, in the context that the sale was made a 16 year old child on this occasion.

We then went through the sale on the 25th, which again Omar accepted that this had occurred. On this occasion, the sale was to a 14 and 15 year old child. He stated that he didn't know the full name of the person making the sale. When asked how he knew this person [REDACTED] he stated that [REDACTED] had randomly walked into the shop one day asking for a place to stay. Omar agreed to house him in the shop out of sympathy. He claimed [REDACTED] was not employed by the shop and should not have been working behind the counter, and he had done this of his own accord randomly without instruction.

It was pointed out that we did not believe this story, and were incredibly concerned about how the shop was operating and that we were considering all options with regards to the shop including revoking the licence and closing it down.

Signature: N Haywood

Signature witnessed by: N/A

NICHE Ref. No:

URN:

Continuation Statement of: PC Neil Haywood

I have since made enquiries with Immigration Enforcement at the home office. It is confirmed by them that [REDACTED] has no right to work in the UK.

I can say that based on the conversation with Omar, I am very concerned about the operation of this shop. We have 2 sales to children, one by a licence holder who should know better, and one who has no rights to work. The story given to cover the fact [REDACTED] was behind the counter, and how he found himself staying at the shop is implausible and I believe that he was employed there illegally, the likely motive that the salary will be minimal, not recorded and under minimum wages in order to boost profits. The outcome being children as young as 14 being put at high risk of harm from alcohol. The store has failed 2 out of 2 test purchases, which begs the question how many alcohol sales have been made to children that we do not know about.

Harehills suffers high levels of crime and anti-social behaviour which has been linked to alcohol use. It has been designated a cumulative Impact Zone which means that the cumulative impact of licensed premises serving alcohol is having an impact on the community. Baba Jaga 2 sits inside that zone.

There is a strong will of the community to tackle the issues being caused by licensed premises, and this premises is clearly a major contributor with criminal acts being committed on site. West Yorkshire Police Licensing have strong concerns about the operation of this shop, believe it presents risks and dangers to the community particularly children, and fails to obey laws and rules which are in place to ensure the safe operation of the shop. We strongly support the closure of this shop under a closure order.

Signature: N Haywood

Signature witnessed by: N/A

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

13230521304

URN:

Statement of: PC [REDACTED] STEVEN ELLIS

Date of birth: Over 18

Occupation: Police Constable

This statement (consisting of: 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: S Ellis

Date: 11/10/2023

Time and date statement taken: 1138 11/10/2023

Check box if witness evidence is visually recorded (supply witness details on rear)

I am the above named police currently stationed at Killingbeck Police station serving West Yorkshire Police.

I currently work as the CommUnity Harehills Sergeant. This is part of the Clear, Hold, Build initiative for Harehills led by Leeds District, forming part of the larger intervention delivered by the Serious Violence and Organised Crime Disruption Partnership for the area. Harehills has scored as the highest area of risk on the annual Most Serious Violence Report published for the force.

Part of this partnership involves tackling a persistent and prevalent issue within the ward of street drinking. This issue creates a variety of different issues including noise nuisance, littering and public order offences. This information was received through PACT meetings (public meetings with members of the public), calls to West Yorkshire Police and direct observations by myself and fellow officers.

We know through crime analysis that there is a strong correlation between alcohol and violence.

We have worked with partners to educate off licences and distribute literature encouraging responsible sales of alcohol. This includes a closure warning letter which was issued to all licensed premises within the ward indicating powers under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 for a Premises Closure.

Due to the ongoing issues we have been conducting inspections and test purchases on a number of licensed premises within the ward. One of the shops is Baba Jaga 2, Strathmore Drive, Leeds, LS9 6AB.

On 16th June 2023 Baba Jaga 2 was inspected by HMRC and trading standards, a large quantity of non duty paid alcohol was seized from the store. A vehicle was also located outside which contained a concealment of illicit cigarettes. This is a common tactic which has been utilised by a number of commercial properties whereby they will use external vehicles to store any goods that could be seized by an enforcement agency.

Subsequently Baba Jaga 2 have also failed two text purchases on the 13th and 25th September 2023 where the serving employee has been issued a community resolution for selling alcohol to persons under the age of 18, contrary to Sec 146(1) of the Licensing Act 2003.

Theses inspections have been put in place to ensure that licensed premises are adhere to the conditions set within their license. The irresponsible sale of alcohol can have a detrimental effect on a locality. By Baba Jaga 2 selling alcohol to children it will only fuel the ongoing issues within the area contributing to crime, disorder and public nuisance.

Signature: S Ellis

Signature witnessed by: S Ellis

NICHE Ref. No:	13230521304	URN:	
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Continuation Statement of STEVEN ELLIS

I support the action taken by our licensing colleagues to pursue a closure order against Baba Jaga 2.

Signature: S Ellis

Signature Witnessed by: S Ellis

BABA JAGA 2





