

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 9 January 2024

Subject: Review of the Premises Licence for Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Gipton & Harehills	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Executive Summary

This report informs Members that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of Baba Jaga, 107 Harehills Road, Harehills, Leeds, LS8 5HS.

The narrative of this report sets out the background of the premises licence, the relevant law and highlights appropriate guidance to assist Members in reaching their decision. A recommendation is also made to Members that the premises licence is reviewed using their statutory powers.

The grounds for review relate to the seizure of illicit tobacco and non-duty paid alcohol.

The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

- 1.1 This report informs the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of 107 Harehills Road, Harehills, Leeds, LS8 5HS. The application is made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.
- 1.2 A copy of the application can be found at **Appendix A** and includes supporting information in the form of officer statements and photographic evidence.

2.0 Background Information

- 2.1 On the 2 June 2014 a Premises Licence application was submitted by Mr Azad Mohammed Latif and attracted representations from members of the public. The application was considered and determined by a Licensing Sub Committee who resolved to grant the licence subject to amending the operating schedule, i.e. reducing the hours for the Sale by Retail of Alcohol, Monday to Saturday 08:00 – 23:00 hours and Sunday 10:00 – 22:30 hours.
- 2.2 Following the grant of the licence various applications have been lodged to transfer the premises licence to new individuals/companies and to vary the licence to specify new individuals as the Designated Premises Supervisor (DPS).
- 2.5 On the 23 January 2023 an application to transfer the licence was submitted naming Baba Jaga Yorkshire Ltd. as the licence holder. An application to change the DPS was also submitted specifying Muzafar Piroti as the premises supervisor. Neither application attracted a representation from West Yorkshire Police and they were both granted as requested.

3.0 Premises Licence

- 3.1 The premises licence holder is Baba Jaga Yorkshire Ltd.
- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale by Retail of Alcohol (for consumption off the premises)

<i>Monday to Saturday</i>	<i>08:00 – 23:00</i>
<i>Sunday</i>	<i>10:00 – 22:30</i>

Opening hours of the premises

<i>Sunday to Thursday</i>	<i>08:00 – 23:00</i>
<i>Friday and Saturday</i>	<i>08:00 – 00:00</i>

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Muzafar Piroti.

5.0 Location

- 5.1 A map which identifies the location of the premises are attached at **Appendix C**.

6.0 Main Issues

- 6.1 On 16 June 2023 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 was found to be storing non-duty paid alcohol openly in the store for sale to members of the public. The alcohol was then seized by HMRC.

On the same day Trading Standards found a vehicle outside the premises containing a large quantity of illegal cigarettes which they believe belonged to the store.

Trading Standards have also documented test purchases at the shop where on the 24/04/2023 and 10/07/2023 they were able to purchase illegal cigarettes. They have also documented between 05/02/2016 and 17/08/2022 6 seizures of illegal tobacco from the shop, 2 of these were in vehicles outside, and a further 6 failed test purchases of illegal cigarettes in the same period.

West Yorkshire Police are of the opinion Baba Jaga 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 currently holds a premises licence. Baba Jaga are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

7.0 Relevant Representations

- 7.1 Under the Act representations can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 7.2 Representations in support of the review application sought by West Yorkshire Police, have been received from a Senior Liaison and Enforcement Officer, on behalf of Entertainment Licensing, Public Health, the Local Ward Councillors and Immigration Enforcement.
- 7.3 Redacted copies of each representation can be found at **Appendix D** and original copies will be circulated to Licensing Sub Committee Members in advance of the hearing.

8.0 Cumulative Impact

- 8.1 The Cumulative Impact Policy for Harehills was approved by the Licensing Committee in October 2018. These premises do reside within the Harehills Cumulative Impact Area.

9.0 Matters Relevant to the Application

- 9.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

9.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act (Statutory Guidance). A copy of the relevant section is attached at **Appendix E**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

10.0 Implications for Council Policy and Government

10.1 It is the stated licensing policy of the Council that when considering a review, the authority will take into account all relevant circumstances but, will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

11.0 Legal and Resource Implications

11.1 There are no resource implications in determining the review.

11.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

12.0 Recommendations

12.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

12.2 Members may decide that no action is necessary and that the circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.

12.3 Members should note the Statutory Guidance suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

12.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.

12.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.

12.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

Appendices

Appendix A	Review Application
Appendix B	Premises Licence
Appendix C	Map of Premises
Appendix D	Representations
Appendix E	Extract from the s182 Guidance