



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 4198 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

107
Baba Jaga ~~105~~ Harehills Road

Post town
Leeds

Post code
LS85HS

Name of premises licence holder or club holding club premises certificate (if known)

Baba Jaga Yorkshire LTD

Number of premises licence or club premises certificate (if known)

PREM/03488/010

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) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

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

Please tick Yes

I am 18 years old or over

Current postal address
if different from
premises address

Post Town

Leeds

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 was found to be storing nonduty 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.

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.

[Redacted header information]

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.

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 of  or other duly authorised agent. (See guidance note 5). If s... please state in what capacity.

Signature


Date 6.11.20...

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.

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.

Between 05/02/2016 and 17/08/2022, visits by Trading Standards and Police officers to Baba Jaga, 107 Harehills Road, Leeds, LS8 5HS have resulted in 6 seizures of illegal cigarettes and rolling tobacco. On 2 of these occasions the seizure was made from a vehicle parked next to the store on Conway Place. Also during this period there have been 6 sales of illegal tobacco to Trading Standards test purchase officers. This store has a long history of involvement in the illegal tobacco trade.

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 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 Conway Place 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 by HMRC officers. The illegal tobacco storage vehicle being used could not be confirmed so no illegal cigarettes were seized. A substantial quantity of non duty paid alcohol was seized by HMRC officers from the store.

On 10/07/2023 another test purchase was conducted at Baba Jaga 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 Conway Place and brought back into the store to the sales counter to make the sale. This store has clearly continued to sell illegal cigarettes.

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. The blue packaging of the cigarettes is not the correct colour as required by The Standardised Packaging of Tobacco Products Regulations 2015 and the prescribed health warnings are not

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

present in English as required by the Tobacco and Related Products Regulations 2016. From discrepancies in the packaging of the cigarettes I also believe them to be counterfeit.

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 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. (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

ENGLAND AND WALES ONLY

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

Statement of: Adam Simpson

URN: 88/Code/CAN/YY

Age if under 18: 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: Adam Simpson

Date: 25/10/2023

Indicate if witness evidence is visually recorded No

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 1, 109 Harehills Road, Leeds, LS8 5HS, 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, Laura Ashcroft, Nicky Brown and Sam Barker) entered Baba Jaga 1 under the Customs and Excise Management Act (CEMA) 1979 Section 112. We 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.

The decision was made to seize a quantity of Italian wine (including Ventuno 21 & Corte Real) 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.

Date: 25/10/2023

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

Statement of: Adam Simpson

URN: 88/Code/CAN/YY

In total, 88 cases of beer were seized (24 cans per case) and 20 cases of wine were seized (6 bottles per case).

Following the seizure it was calculated that the total excise duty owed on the goods totalled £1,337.46.

After completing supply chain checks on the beer that was seized, utilising invoices that the business was able to provide, a quantity of alcohol was restored to the business. The revised duty assessment levied against the business was £667.32.

The duty was calculated using the following formulars:

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

Beer: $ABV\% \times \text{Hectolitre} \times \text{High Strength Duty rate at the time}$ (£5.69- in addition to standard rate)

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

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.

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: 25/10/2023

Signature: Adam Simpson
(Signature of witness)Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

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