



**Leeds**  
CITY COUNCIL

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03488/011

Your Ref:

Contact: Carmel Brennand

Tel:

Fax:

Email:

Date: 9 December 2023

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003**  
**PREMISES: BABA JAGA, 107 HAREHILLS ROAD, LEEDS, LS8 5HS**

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am employed as a Senior Liaison & Enforcement Officer within Leeds City Council's Entertainment Licensing Section.

My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003 as well as visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. I have delegated authority under the said Act.

The shop at this address has been licensed to sell alcohol for consumption off the premises since 29<sup>th</sup> July 2014. The Premises Licence permits the retail sale of alcohol from 08:00 to 23:00 Monday to Saturday and 08:00 to 22:30 on Sundays. The opening hours as specified on the Licence are 08:00 to 24:00 Monday to Saturday and 08:00 to 23:00 on Sundays.

Mr Muzafar Piroti became to Premises Licence Holder with effect from 16<sup>th</sup> December 2022 and then reapplied in January 2023 to transfer the Licence into the name of Baba Jaga Yorkshire Ltd. Companies House checks confirm that Mr Muzafar Piroti is the sole Director and Person with Significant Control of Baba Jaga Yorkshire Ltd. An application to vary the Designated Premises Supervisor to himself was also received.

The Premises Licence PREM/03488/010 with Baba Jaga Yorkshire Ltd as the Premises Licence Holder (PLH) and Mr Muzafar Piroti specified as the Designated Premises Supervisor (DPS) issued with effect since the 7<sup>th</sup> February 2023 was printed and posted out on the 13<sup>th</sup> February 2023.

On the 9<sup>th</sup> May 2023 Entertainment Licensing Section received the following complaint from a local resident :-



*'I am emailing you because I would like to report a breach and I would like to contact you because I have noticed for several weeks now the two off license shops BABA JAGA and KRAKUS on Harehills Road are opening around 06.00 am in the morning and closing at around 12.30 after midnight and I am aware that is not right and not legal.*

*I see people buying things early morning when these two shops should not be open and against their council permission times are opening and selling alcohol and many items late in the night way after 11.30pm and that should not be allowed either.*

*It has come to my attention and the attention of all my neighbours about these opening times of the above two shops and it has caused a lot of problems because of alcohol especially at night times.*

*I am reporting this matter to you to investigate and take action against these two shops and I hope this will be done as soon as possible.*

*KRAKUS Off License shop, 54 Harehills Road, Leeds LS8 5HS BABA JAGA shop , 107 Harehills Road, Leeds LS8 5HS*

*I am aware the above two off license shops should follow the permitted times to open and close the shop but every morning and every night they breach those permitted times'.*

A similarly worded complaint was received the same day from a separate resident and complaint GE/003969 was generated in respect of Baba Jaga and GE/003970 in respect of Krakus. Both were allocated to me to investigate.

On the 12<sup>th</sup> May 2023 I was working in company with PC Clifford.

At 11:10 am we attended at Krakus, 54 Harehills Road. The PLH and DPS Anna Strychaz was not there but Mr Muzafar Piroti was. He stated he was going through the process of buying the business from Ms Strychaz although he had been working at the shop for the past 3 weeks, which tied in with the complaint. I recognised his name as being the new operator of Baba Jaga which is directly across the road. I explained the complaints I had received about both shops. Mr Piroti stated that the shops were not open to the public but staff were on site at 6 am for bread, milk, pastries deliveries. He said people do come in but when they are refused alcohol, they have been carrying on. He also stated that after hours staff are cleaning. I reminded him of hours on both Licences for alcohol as well as the opening and closing times.

At 11:25 PC Clifford, Mr Piroti and I walked across the road to Baba Jaga. The new Part B of the Premises Licence was displayed and I pointed out the specified hours which he must comply with. The time on the cctv monitor was 10 minutes out. I asked if he could show us recordings from 31 days ago but he was unable to access system. He stated he had paid the cctv engineer £300. I told him he needs to get him back and tell him to sort it out. I advised Mr Piroti that if he does not comply with his opening and closing hours as well as alcohol hours and the cctv is not recording 31 days, every sale of a bottle of vodka or can of lager is an offence under Section 136 of the Licensing Act. I explained that if he were to be found guilty of such an offence he could be given an unlimited fine and/or 6 month's imprisonment. That's how serious it is. I completed an inspection sheet detailing the issues with the cctv which Mr Piroti signed. I gave him a copy of the inspection sheet on which I had written my email address and asked him to send me a screen shot of the cctv from 31 days ago.

On the 15<sup>th</sup> May I received a phone call from [REDACTED], obo Mr Piroti wanting clarification on what I needed. I explained that I needed screen shots of the cctv from both premises showing footage from 31 days prior. I reminded her of the operating hours for both shops. [REDACTED] asked if she could extend the hours for opening but not for the sale of alcohol. I advised her that I would have to speak to my Principal Officers.

On the 16<sup>th</sup> May 2023 I emailed both complainants with the results of our visits and that the operator was fully aware of the opening/closing times and the permitted hours for alcohol sales. I asked the complainants to let me know if they witnessed any sales out of permitted hours.

Later that day I received an email from Mr Piroti with a screenshot of cctv footage from the 12<sup>th</sup> April 2023. I also received a notice for a minor variation for Baba Jaga to extend the opening hours from 8 am to 6 am.

At 14:00 on the 18<sup>th</sup> May I had a telephone conversation with [REDACTED]. When I asked which premises the screenshot of the cctv was from? She said Karkus. She explained that the cctv for Baba Jaga was only recording for 2 weeks so she has phoned the engineer and he'll be coming in 2 weeks. They are looking to install a brand new system that will record for 6 weeks. I said, 'That's great but every time alcohol is sold it is an offence when the cctv is not recording for 31 days, which is a breach of condition. It would be better if we wait and get the cctv fitted; I visit to check recording 31 days and then you can apply for a minor variation'. I also explained that the minor variation notice Mr Piroti had sent me was incorrect in that it was a notice not an actual application. I explained that I would have to object to such an application when I am dealing with complaints and the cctv is not compliant with the conditions on the Premises Licence they have now. She totally agreed with what I said and would let me know how things are going.

On the 22<sup>nd</sup> May I received an email from Mr Piroti advising that the new cctv hard drive had been fitted. I thanked him and wrote that I will revisit the week commencing the 26<sup>th</sup> June.

On the 16<sup>th</sup> June 2023 I took part in a multi-agency operation visiting shops in the Harehills area. At 12:20 I visited Baba Jaga in company with PC Clifford. Other West Yorkshire Police officers had secured the premises and officers from His Majesty's Revenue & Customs (HMRC) were already on site. They were already looking at seizing goods for non duty paid. The officers stated that the wine in particular had no known suppliers in England.

[REDACTED] was the member of staff working at the time of the visit. The Part B of the Premises Licence was displayed behind the counter but she did not know where the Part A of the Licence was. There was a fresh new diary but no entries in it. I advised [REDACTED] to mark it as the Incident Book and record whenever refusing due to age/drunk/anything out of the ordinary. When we asked to look at the cctv system, [REDACTED] stated that she did not know how to operate it. She tried to contact PLH and DPS but was unable to as he was on holiday. We were just leaving when a male arrived who could operate the cctv, however the footage only went back to the 5<sup>th</sup> June so only recording for 11 days.

At 11:57 on the 22<sup>nd</sup> June I emailed a warning letter addressed to Baba Jaga Yorkshire Ltd. The warning letter details the offences found committing at the time of the visit on the 16<sup>th</sup> June. In respect of the Part A of the Premises Licence not being available:-

Section 57 of the Licensing Act 2003 states:-

- (1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.
- (2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—
  - (a) the holder of the licence, or
  - (b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

In the letter I also remind the PLH and DPS of the specific conditions in relation to the CCTV and the Incident Register and the offence of not being compliant with 1 or more condition:-

The conditions on the Premises Licence specifies that :-

6. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

7. The CCTV system will contain the correct time and date stamp information.

8. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.

9. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

10. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

11. The premises licence holder/designated premises supervisor will ensure that adequate lighting is provided.

Although there was a page a day diary, there were no entries in it. I advised that it should be labelled 'Incident Register' and gave examples of what should be recorded, as per the following condition :-

12. The premises licence holder/designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as antisocial behaviour, admissions refusals and ejections from the premises.

When you breach conditions on the Licence, you are committing offences under Section 136 of the Licensing Act 2003, namely:-

(1) A person commits an offence if -

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine, or to both.

(5) In this Part "authorisation" means -

- (a) a premises licence,
- (b) a club premises certificate, or
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

At 10:00 am on the 19<sup>th</sup> July 2023 PC Neil Haywood and I revisited the shop. [REDACTED] was working. Part A of the Premises Licence was now available. Although there was a page a day

diary it was not being correctly completed. I advised to record refusals on the actual day and note the time, rather than a list at the back. I explained there should be the reason for refusal, a brief description of the person etc, as many details as possible as it shows due diligence and that staff are doing their job properly in not selling to children or people who are already drunk. [REDACTED] could operate the cctv but only records from the 21st June which is 28 days. I pointed out that the time was showing 14:05. She said that she had got engineer back a few times and he corrects time, but not long afterwards then it goes wrong again. She said she would call the engineer to come and asked us to wait but we had other appointments so told her we would come back another time.

Whilst we were there a female customer came in and picked up some bread and other bits and when she came to the till and was speaking to [REDACTED] (shop assistant) in a foreign language, possibly Iranian; I'm not sure. The female asked for Malborough and [REDACTED] said no. We left and crossed over the road as my car was parked outside Krakus which is literally opposite and is owned by the same Muzafar Piroti.

The female then came over and went into Krakus and came out with a couple of cans in her hand and then turned around and went back into Krakus and stood talking to the male shop assistant. They appeared to be waiting until we drove away. The whole situation seemed odd.

On the 18<sup>th</sup> August I was working in company with PC Neil Haywood. At 12:50 we attended at Baba Jaga. There was a different male working behind the counter. He admitted that he could not operate the cctv when we asked. [REDACTED] came over from Krakus. He was able to operate the cctv and showed us footage from 21st June, however the system was still showing 4 hours out. I advised that this was no good. [REDACTED] was of the opinion that as long as he knew it was 4 hours out then it was okay. I explained that if there was an incident where for example a member of staff was assaulted for refusing to ring some one and the police were investigating it, the case would be difficult to prove as statements would say one time and the cctv footage would say another. He said engineer had been out 3 times and fixed it but after a time it just goes out by the 4 hours. I told him this needs sorting as if it is not then the licence could be in jeopardy.

PC Haywood and I visited other shops nearby and one of the shop keepers showed us his cctv footage of Baba Jaga being open at 0647 and 2351. I confirmed the hours on the Licence for Baba Jaga and that I had already spoken to the operator about them, but if he witnessed again could he please contact me.

On the 17<sup>th</sup> August I again sent a strongly worded warning letter to The PLH via email at 15:38. In the covering email I remind him that the annual fee of £180 is still outstanding from the 29<sup>th</sup> July and give instructions on how to pay. The warning letter again reminds the PLH of the cctv conditions on the Premises Licence as well as the opening and closing times specified on there and the relevant offences under Section 136 of the Licensing Act 2003.

As the annual fee had not been paid at the end of the 21 days grace period, I again wrote to the PLH on the 23<sup>rd</sup> August. My email at 08:28 details that as the Licence is suspended, there is no authorisation in place, therefore it is an offence under Section 136 for selling alcohol, 137 for displaying alcohol for an unlawful sale and 138 for storing alcohol that may be unlawfully sold. I again detail how the annual fee can be paid.

On the 30<sup>th</sup> August 2023 I took part in another multi-agency operation visiting shops in the Harehills area. At 09:40 I visited Baba Jaga with PS Chris Secker and Ms Nicola Raper, Section Head of Entertainment Licensing. An officer from Trading Standards was already there. [REDACTED] was working as well as a male I do not know. The cctv monitor was finally showing the correct time. I asked to have a look in the Incident Book and noted there were no entries. I

advised [REDACTED] that the Premises Licence was suspended due to non payment of the annual fee and there should be no sales of alcohol until it was paid. [REDACTED] came across from Krakus and I explained the situation in regards to the Licence to him. [REDACTED] rang the PLH and DPS Mr Piroti who was still in Iraq but that he had been trying to pay. I advised that offences had been committed at every sale of alcohol since the 19<sup>th</sup> August. There was some to and fro before [REDACTED] paid the annual fee over the phone and the Licence was unsuspected.

It has taken nearly 3 months, 7 visits to the premises, 3 warning letters and repeated advice in person, on the phone and in these letters to finally get compliance of the Licensing Act 2003.

It is clear from the serious and continuous breaches of the Licensing Act 2003 and the seizures of illicit alcohol and tobacco that Mr Muzafar Piroti does not take his responsibilities seriously. He has failed to comply with a variety of legislation and is unconcerned about the impact his business has on the immediate community. It is clear that he has failed to operate responsibly in upholding the objectives; namely the prevention of crime and disorder and I therefore support the review being brought by West Yorkshire Police.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03488/011

Your Ref:

Contact: [REDACTED]

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Date: 14 December 2023

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003  
PREMISES: BABA JAGA, 107 HAREHILLS LANE, LEEDS, LS8 5HS**

Further to my representation of the 9<sup>th</sup> December, please see attached documents referred to therein.

Exhibit CB 1 – A copy of the inspection sheet completed during the visit to the premises on the 12<sup>th</sup> May 2023, which was signed by Mr Muzafar Piroti, the sole director of the company holding the Premises Licence and Designated Premises Supervisor, before being given a copy of it.

Exhibit CB 2 – A copy of email dated 21<sup>st</sup> May from Mr Piroti and my response of the 22<sup>nd</sup> in regards to the cctv system.

Exhibit CB 3 – A copy of the inspection sheet completed during the visit on the 16<sup>th</sup> June which was signed by the member of staff [REDACTED], before being given a copy of it.

Exhibit CB 4 – A copy of my email dated 22<sup>nd</sup> June to Mr Piroti with a warning letter attached.

Exhibit CB 5 – A copy of my letter dated 22<sup>nd</sup> June addressed to the Premises Licence Holder (PLH) Baba Jaga Yorkshire Ltd.

Exhibit CB 6 – A copy of my email dated 17<sup>th</sup> August to Mr Piroti with a reminder to pay the annual fee and with a warning letter attached.

Exhibit CB 7 – A copy of my letter dated 17<sup>th</sup> August addressed to the PLH.

Exhibit CB 8 – A copy of my email dated the 23<sup>rd</sup> August addressed to Mr Piroti advising that the Premise Licence is suspended.

Yours faithfully



Mrs Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing





## Enforcement Powers and Offences - Licensing Act 2003

### Section 136 – Unauthorised licensable activities

- (1) A person commits an offence if –
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.
- (5) ... "authorisation" means –
  - (a) a premises licence,
  - (b) a club premises certificate, or
  - (c) a temporary event notice in respect of which the conditions of section 92(2) to (4) are satisfied.

### Summary of other offences (Licensing Act 2003) (not exhaustive):

#### Unauthorised licensable activities

- section 137 Exposing alcohol for unauthorised sale
- section 138 Keeping alcohol on premises for unauthorised sale etc.

#### Drunkenness and disorderly conduct

- section 140 Allowing disorderly conduct on licensed premises etc.
- section 141 Sale of alcohol to a person who is drunk
- section 142 Obtaining alcohol for a person who is drunk
- section 143 Failure to leave licensed premises etc.

#### Smuggled goods

- section 144 Keeping of smuggled goods

#### Children and alcohol

- section 145 Unaccompanied children prohibited from certain premises
- section 146 Sale of alcohol to children
- section 147 Allowing the sale of alcohol to children
- section 147A Persistently selling alcohol to children
- section 147B Order suspending a licence in respect of offence under section 147A
- section 149 Purchase of alcohol by or on behalf of children
- section 150 Consumption of alcohol by children
- section 151 Delivering alcohol to children
- section 152 Sending a child to obtain alcohol
- section 153 Prohibition of unsupervised sales by children
- section 154 Enforcement role for weights and measures authorities

#### Confiscation of alcohol

- section 155 Confiscation of sealed containers of alcohol

#### False statements relating to licensing etc

- section 158 False statements made for the purposes of this Act

#### Powers of Entry

- section 179 Rights of entry to investigate licensable activities (available to a constable or authorised person).

**From:**Brennand, Carmel  
**Sent:**22 May 2023 08:13:20 +0100  
**To:**Muzafar Piroti  
**Subject:**RE:

Good morning

Thank you for letting me know. I will revisit the week commencing 26<sup>th</sup> June as there should be 31 days by then. If you check every few days that it is recording more each time.

Regards

Carmel

Carmel Brennand

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

[REDACTED]

[REDACTED]

[REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)

**From:** Muzafar Piroti [REDACTED] >  
**Sent:** 21 May 2023 09:23  
**To:** Brennand, Carmel [REDACTED] >  
**Subject:**

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello dear

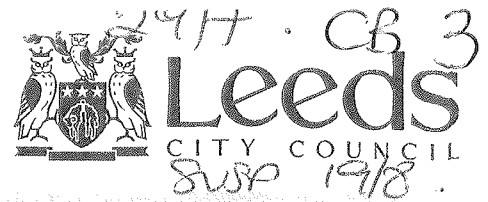
This is Muzafar piroti, I want to inform you that I changed Baba Jaga's camera to HD and now they record everything for one month.

Thank you

Sent from my iPhone

131.2443  
CUT.

£180 DUE



# Licensing Act 2003

## Record of Inspection

WENF102628

<b>Premises Details</b> Licence Number: Prem/03488/010 Name: BABA JAGA Address: 107 HAREHILLS ROAD GATE LS8 5HS	<b>Inspection Details</b> Date: 16.6.23 Time In: 1220 Time Out: Authorised Officer: CB Other officers: In company with: WYP/BTP/TS Other Agency:
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Premises Licence Holder/DPS: BABA JAGA YORKS LTD / MUZAFAR PIROTI Present? Yes  No

X	Matters arising (Advice given marked with "X" in left-hand column)	Timescale
X	PART A OF PREMISES LICENCE NOT AVAILABLE	} 2 WEEKS
X	INCIDENT BOOK NOT BEING USED.	
X	STAFF UNABLE TO OPERATE CCTV SYSTEM.	
X	CCTV NOT RECORDING FOR 31 DAYS - ONLY FROM 5.6.23	

No action required  Action required; contravention(s)/breach of condition(s) as above

**Signatures**  
 Authorised Officer's signature: [Redacted] Date: 16.6.23. Time: 1240.

Appropriate person at premises  
 I certify that the issue(s) identified have been brought to my attention and I undertake to rectify any breaches by the agreed timescale(s) set out above. I have been advised that a revisit will be made to ensure that the breaches have been rectified. I will ensure that the Premises Licence Holder and Designated Premises Supervisor is informed of this inspection and the findings at the earliest opportunity.  
 Print Name: [Redacted] Date:  
 Signed: [Redacted] Time:  
 Position: [Redacted]

## Enforcement Powers and Offences - Licensing Act 2003

### Section 136 – Unauthorised licensable activities

- (1) A person commits an offence if –
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.
- (5) ..."authorisation" means –
  - (a) a premises licence,
  - (b) a club premises certificate, or
  - (c) a temporary event notice in respect of which the conditions of section 92(2) to (4) are satisfied.

### Summary of other offences (Licensing Act 2003) (not exhaustive):

#### Unauthorised licensable activities

- section 137 Exposing alcohol for unauthorised sale
- section 138 Keeping alcohol on premises for unauthorised sale etc.

#### Drunkenness and disorderly conduct

- section 140 Allowing disorderly conduct on licensed premises etc.
- section 141 Sale of alcohol to a person who is drunk
- section 142 Obtaining alcohol for a person who is drunk
- section 143 Failure to leave licensed premises etc.

#### Smuggled goods

- section 144 Keeping of smuggled goods

#### Children and alcohol

- section 145 Unaccompanied children prohibited from certain premises
- section 146 Sale of alcohol to children
- section 147 Allowing the sale of alcohol to children
- section 147A Persistently selling alcohol to children
- section 147B Order suspending a licence in respect of offence under section 147A
- section 149 Purchase of alcohol by or on behalf of children
- section 150 Consumption of alcohol by children
- section 151 Delivering alcohol to children
- section 152 Sending a child to obtain alcohol
- section 153 Prohibition of unsupervised sales by children
- section 154 Enforcement role for weights and measures authorities

#### Confiscation of alcohol

- section 155 Confiscation of sealed containers of alcohol

#### False statements relating to licensing etc

- section 158 False statements made for the purposes of this Act

#### Powers of Entry

- section 179 Rights of entry to investigate licensable activities (available to a constable or authorised person).

CB4

**From:**Brennand, Carmel  
**Sent:**22 Jun 2023 11:57:36 +0100  
**To:**Muzafar Piroti  
**Subject:**Baba Jaga, 107 Harehills Road, LS8 5HS  
**Attachments:**Warning letter to PLH & DPS 22.6.23.doc

Dear Sir

Please see the attached letter which is self explanatory.

I would appreciate it if you could advise when the cctv has recorded for 31 days so that I can revisit and check, as well as the Part A of the Licence and the Incident Book.

Please also be aware that the Premises Licence for Krakus at 54 Harehills Road is currently suspended as the annual fee of £180 was not paid on the 25<sup>th</sup> May. You can pay the fee for PREM/03987/005 by using the below link

<https://forms.leeds.gov.uk/EntertainmentLicenseRenewalPayment>

Yours faithfully

Carmel Brennand

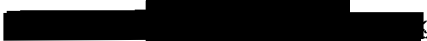
Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

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██████████ ██████████



[www.leeds.gov.uk](http://www.leeds.gov.uk)





CB 5  
**Leeds**  
CITY COUNCIL

**Elections and Regulatory Services**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/CB/LIC/GE/003969

Your Ref:

Contact: Carmel Brennand

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Date: 22 June 2023

**Private & Confidential**

Baba Jaga Yorkshire Ltd  
107 Harehills Road  
Leeds  
LS8 5HS

Dear Mr Piroti

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES: BABA JAGA, 107 HAREHILLS ROAD, LEEDS, LS8 5HS**

I am writing to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor of the above mentioned business.

You will be aware that I attended at the premises on the 16<sup>th</sup> June and found a number of breaches under the Licensing Act 2003.

The Part A of the Premises Licence was not available on site which is an offence under Section 57 of the Act:-

(1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2)

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.



When we asked to view the cctv, Nina was unable to operate the system and when someone finally came to the shop and was able to operate it, the recordings only went back to the 5th June. This is concerning as you confirmed by email that you had a new system fitted on the 21st May.

The conditions on the Premises Licence specifies that :-

6. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

7. The CCTV system will contain the correct time and date stamp information.

8. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.

9. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

10. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

11. The premises licence holder/designated premises supervisor will ensure that adequate lighting is provided.

Although there was a page a day diary, there were no entries in it. I advised that it should be labelled 'Incident Register' and gave examples of what should be recorded, as per the following condition :-

12. The premises licence holder/designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as antisocial behaviour, admissions refusals and ejections from the premises.

When you breach conditions on the Licence, you are committing offences under Section 136 of the Licensing Act 2003, namely:-

**(1) A person commits an offence if -**

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on.**

**(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine, or to both.**

**(5) In this Part "authorisation" means -**

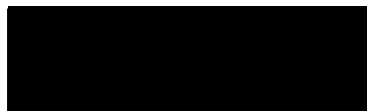
- (a) a premises licence,**
- (b) a club premises certificate, or**
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.**

Leeds City Council's Entertainment Licensing Section, in conjunction with other enforcement agencies, are taking an active role in visiting premises/events. This Department will continue to monitor the situation for compliance of the Licensing Act 2003.

Failure to adhere to the provisions could lead to formal legal proceedings being instigated against you by this department.

If you require any further information or clarification, please do not hesitate in contacting me.

Yours sincerely



Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

CB 6

**From:**Brennand, Carmel  
**Sent:**17 Aug 2023 15:38:45 +0100  
**To:**Muzafar Piroti  
**Subject:**Baba Jaga 1, 107 Harehills Road, LS8 5HS  
**Attachments:**Warning letter to PLH & DPS 17.8.23.doc

Dear Mr Piroti

Please see the attached letter which is self-explanatory.

May I also remind you that the annual fee for the Premises Licence is still outstanding. Below is an extract from our reminder letter sent to the premises on the 1<sup>st</sup> June 2023.

The total amount due is £180.00.

This amount is due by 29/07/2023.

Please contact us if you are unable to pay the fee before this time. Your premises licence will be suspended on 19/08/2023 if you do not pay this fee. How to pay The best way to pay this fee is through Leeds City Council's online payment facility which you can find here:  
<https://forms.leeds.gov.uk/EntertainmentLicenseRenewalPayment>.

Your premises licence number is PREM/03488/010. You will need this to hand when paying online or over the phone. Paying online is quick to do and your premises licence record will be updated instantly.

Yours sincerely

Carmel Brennand

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

Tel: [REDACTED] [REDACTED]

Fax: [REDACTED]

email: [REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)



**Elections and Regulatory Services**  
Civic Hall  
Leeds LS1 1UR

**Private & Confidential**  
Baba Jaga Yorkshire Ltd  
107 Harehills Road  
Leeds  
LS8 5HS

Our Ref: A80/CB/LIC/GE/003969  
Your Ref:  
Contact: Carmel Brennand  
Tel: [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]

Date: 17 August 2023

Dear Mr Piroti

**INVESTIGATION OF POSSIBLE OFFENCES UNDER THE LICENSING ACT 2003  
PREMISES: BABA JAGA, 107 HAREHILLS ROAD, LEEDS, LS8 5HS**

I am writing to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor of the above mentioned business and further to my letter of the 22<sup>nd</sup> June.

You will be aware that I have attended at the premises on 4 separate occasions and the cctv is still not compliant in that the time is 4 hours out.

The conditions on the Premises Licence specifies that :-

- 6. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- 7. The CCTV system will contain the correct time and date stamp information.
- 8. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality.
- 9. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.
- 10. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
- 11. The premises licence holder/designated premises supervisor will ensure that adequate lighting is provided.

I am also concerned that the shop is open outside of its' permitted hours and that the sale of alcohol is taking place outside of the hours specified on your licence. May I again remind you of the hours granted under PREM/03488/010:-



**Sale by retail of alcohol**

Monday to Saturday 08:00 - 23:00

Sunday 10:00 - 22:30

**Opening hours of the premises**

Friday & Saturday 08:00 - 00:00

Sunday to Thursday 08:00 - 23:00

As I have previously advised, every sale of alcohol that takes place when you are not compliant with a licence condition or permitted hours is an offence under Section 136 of the Licensing Act 2003, namely:-

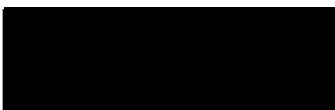
- (1) **A person commits an offence if -**
  - (a) **he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
  - (b) **he knowingly allows a licensable activity to be so carried on.**
  
- (4) **A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine, or to both.**
  
- (5) **In this Part “authorisation” means -**
  - (a) **a premises licence,**
  - (b) **a club premises certificate, or**
  - (c) **a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.**

Leeds City Council's Entertainment Licensing Section, in conjunction with other enforcement agencies, are taking an active role in visiting premises/events. This Department will continue to monitor the situation for compliance of the Licensing Act 2003.

**Failure to adhere to the provisions could lead to formal legal proceedings being instigated against you by this department.**

If you require any further information or clarification, please do not hesitate in contacting me.

Yours sincerely



Carmel Brennand  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

CB 8

**From:**Brennand, Carmel  
**Sent:**23 Aug 2023 08:28:01 +0100  
**To:**Muzafar Piroti  
**Subject:**Baba Jaga 1, 107 Harehills Road, LS8 5HS  
**Importance:**High

Dear Mr Piroti

Further to my email of the 17<sup>th</sup> August we do not appear to have received the annual fee for the above shop. Therefore the Premises Licence was suspended on the 19<sup>th</sup> August and there should be no sales of alcohol taking place.

If sales are taking place then you are committing offences under Section 136 of the Licensing Act. To have alcohol on display and stored at the shop when you are not authorised to sell it is also an offence under Sections 137 and 138 of the Act.

It is imperative that you pay the annual fee as soon as possible so that you/your staff are not committing offences and leaving yourself/or staff open to prosecution.

The total amount due is £180.00.

This amount is due by 29/07/2023.

Please contact us if you are unable to pay the fee before this time. Your premises licence will be suspended on 19/08/2023 if you do not pay this fee. How to pay The best way to pay this fee is through Leeds City Council's online payment facility which you can find here:  
<https://forms.leeds.gov.uk/EntertainmentLicenseRenewalPayment>.

Your premises licence number is PREM/03488/010. You will need this to hand when paying online or over the phone. Paying online is quick to do and your premises licence record will be updated instantly.



Yours sincerely

Carmel Brennand

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

[REDACTED]

[REDACTED]

[REDACTED]

[www.leeds.gov.uk](http://www.leeds.gov.uk)



# Immigration Enforcement

## Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

<b>Details of Premises:</b>			
<b>Premises Licence Holder:</b>			
Muzafar Piroti			
<b>Name and Address of Premises:</b>			
Baba Jaga 107 Harehills Road,			
<b>Post Town:</b>	Leeds	<b>Post Code:</b>	LS8 5HS

Representations are being made for the following reasons:

The Licensing Act 2003 outlines 4 objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Muzafar Piroti (director of Baba Jaga Yorkshire LTD) is not taking suitable measures to prevent crime and disorder. The business has employed an illegal worker which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

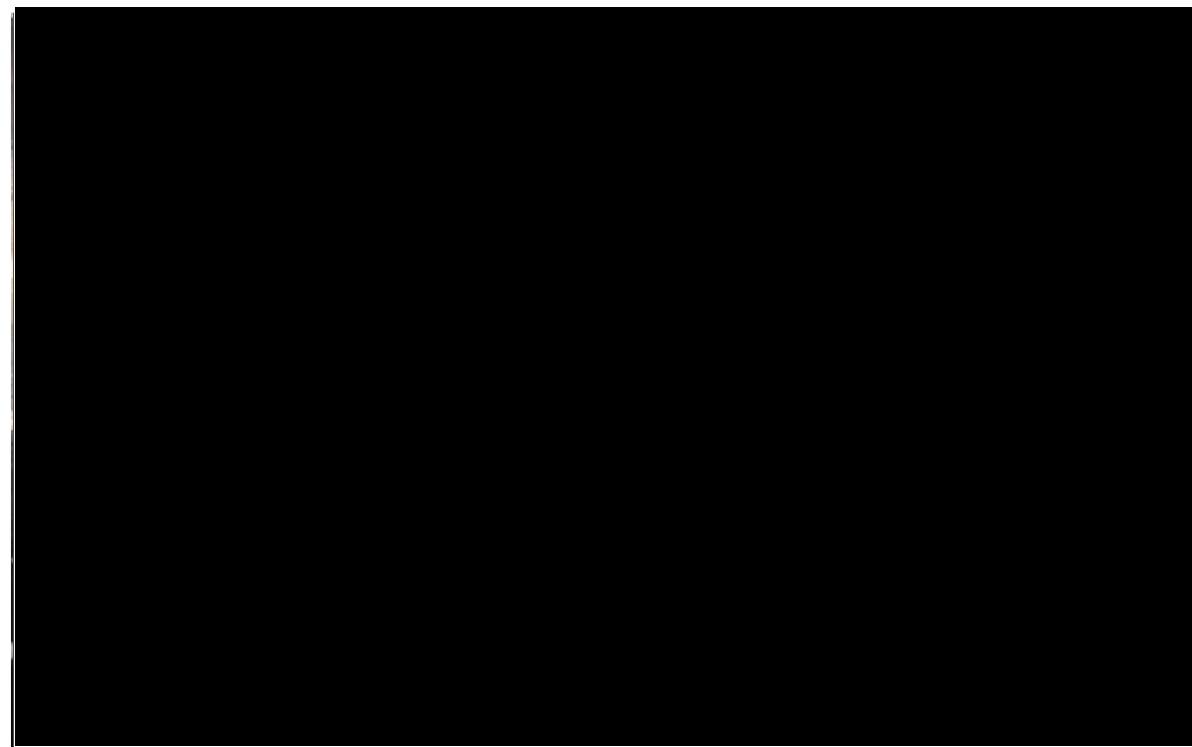
- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
- It encourages those without permission to work to seek similar employment.
- It allows a business to unfairly undercut other businesses by employing cheap labour.
- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports the review from West Yorkshire Police regarding, Baba Jaga 107 Harehills Road, Leeds, LS8 5HS.

On 30 August 2023 Home Office Immigration Enforcement officers visited Baba Jaga 107 Harehills Road, Leeds, LS8 5HS as part of a joint visit led by West Yorkshire Police.

On entry to the premises two people were encountered working in the shop; [REDACTED] and [REDACTED].

[REDACTED] was seen by police officers working in the shop (Baba Jaga) and was referred to immigration officers for checks. Checks revealed that [REDACTED] entered the UK illegally on 27 November 2020 and had an outstanding immigration application. [REDACTED] was issued an application registration card (ARC) for his application which clearly states that work is permitted only for jobs listed in the Shortage Occupation List (SOL). The SOL includes jobs such as domiciliary care managers, civil engineers, laboratory technicians, nurses and paramedics. Working as a shop assistant falls outside of the SOL. [REDACTED] ARC card was seen by officers during the visit and recorded as evidence.



During the interview [REDACTED] admitted that he had been working in the shop for one month, he worked five days a week, eight hours a day, and was paid £350 per week in cash. [REDACTED] wage slip was also shown to the officers on a phone. [REDACTED] stated that she showed his ARC card and Home Office papers to the owner Muzafar Piroti.

[REDACTED] was arrested and cautioned.

[REDACTED] initially stated that she was the manager of the store and was jointly responsible with Muzafar Piroti for hiring staff.

██████ had stated that ██████ had worked in the shop for 2 – 3 days (contrary to ██████ admission of working for one month) and that she has been showing him the till and how to stock shelves. ██████ also stated that she does not conduct right to work checks and she is unsure what checks the owner had done on ██████

The wage slip below clearly shows that ██████ had been paid for 69.33 hours of work. This evidence supports that ██████ had worked at the premises far longer than ██████ had claimed.

mooz on 30/08/2023, 10:45

EMPLOYER		EMPLOYEE		DATE		
BABA JAGA (YORKSHIRE) LTD		████████████████████		31-Aug-2023		
DEPARTMENT (IF APPLICABLE)		N.I. NUMBER AND TABLE		TAX CODE	PAY METHOD	PERIOD
████████████████████		████████████████████		1257L	BACS	Aug-2023
YEAR TO DATE		RATE	HOURS	PAYMENTS		DEDUCTIONS
Total Pay	722.42	Rate 1	69.33	Total Hourly Pay	722.42	Income Tax National Insurance
Taxable Pay	722.42	10.42				0.00 0.00
Tax	0.00					
Tax Credit	-0.00					
N.I. Employee	0.00					
N.I. Employer	0.00					
N.I. Pay	722.42					
SSP	0.00					
SMP	0.00					
Pension Employee	0.00					
Pension Employer	0.00					
		<b>TOTAL HOURS</b>	<b>69.33</b>	<b>TAXABLE PAY</b>	<b>722.42</b>	<b>DEDUCTIONS</b>
				<b>NON TAXABLE PAY</b>	<b>0.00</b>	<b>0.00</b>
		<b>EMPLOYERS N.I.</b>	<b>0.00</b>	<b>TOTAL PAY</b>	<b>722.42</b>	<b>NET PAY</b>
						<b>722.42</b>

A civil penalty referral notice was served to the manager.

### RIGHT TO WORK CHECKS AND THE PREVENTION OF CRIME AND DISORDER

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

Baba Jaga has been found employing an illegal worker. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the

premises license application.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. In this case, the employee had an outstanding claim.

The license holder/employer could have protected themselves and prevented crime and disorder by completing a straightforward Right to Work check. In this instance, the worker had produced an ARC card which clearly showed the restriction.

All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the Gov.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page. The license holder/employer could have quickly and easily confirmed that the potential candidate did NOT have the Right to Work

Whether by negligence or wilful blindness an illegal worker was engaged in activity on the premises.

Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously:

#### 11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

It is clear from the evidence above and the Police's case that two elements of 11.27 have been engaged. 11.28 of the guidance states that it is expected that revocation of the licence – **even in the first instance – should be seriously considered.**

## Signatures

### Signature of Responsible Authority

Home Office Immigration Enforcement

<b>Date:</b>	28/11/2023	<b>Capacity:</b>	<b>Responsible Authority</b>
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## Details of Responsible Authority

### Name and Address:

Home Office Immigration Enforcement  
The Alcohol and LNR Licensing Team  
40 Wellesley Road  
Croydon  
CR9 2BY

<b>Email address (optional):</b>	<a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a>
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# Interested Party Representation (Form IPR1)



## Section 1 – Licence application details

Please indicate as appropriate :

- I wish to object to the following application:  
 I wish to support the following application:

Applicant premises name and address: Baba Jaga, 107 Harehills Road, LS85HS

## Section 2 – Your personal details

NB: If you are acting as a representative, please go to Section 3.

Title Mr  Mrs  Miss  Other \_\_\_\_\_

Surname **Slezak**

First name(s) **Milly**

Address (incl postcode):  
Leeds City Council, Public Health (Drugs and Alcohol team), 5<sup>th</sup> Floor West, 110 Merrion House, Leeds, LS2 8BB.

**Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.**

Please refer to our Guidance Note – GN-M Guidance on making representations for further information and alternative options.

## Section 3 – Representative details

If you are representing someone else, please complete details below

Name of Representative/  
Organisation **N/A**

Full postal address  
(Incl postcode) **N/A**

Please indicate capacity:

- Representative of Residents Association  
 MP  
specify) \_\_\_\_\_
- Ward Councillor  
 Trade Association
- Parish Council  
 Other (please

## Section 4 – Representation grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<table> <tr> <td>Prevention of crime and disorder</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Prevention of public nuisance</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Protection of children from harm</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Public safety</td> <td>X <input type="checkbox"/></td> </tr> </table>	Prevention of crime and disorder	X <input type="checkbox"/>	Prevention of public nuisance	X <input type="checkbox"/>	Protection of children from harm	X <input type="checkbox"/>	Public safety	X <input type="checkbox"/>
Prevention of crime and disorder	X <input type="checkbox"/>								
Prevention of public nuisance	X <input type="checkbox"/>								
Protection of children from harm	X <input type="checkbox"/>								
Public safety	X <input type="checkbox"/>								
<p>Please select:</p> <p><input type="checkbox"/> I object to the application being granted at all.</p> <p><input type="checkbox"/> I object to the application being granted in its current form*</p> <p>*If you choose this option, remember to tell us in the next section what changes you would prefer to see.</p>									
<p><b>The grounds of the representation is based on the following:</b></p>									
<p>I would like to make a public health objection to the application of Baba Jaga, 107 Harehills Road, LS85HS</p> <p>Regarding the above application, I would like to bring to your attention the negative impact this premises has. There are concerns regarding the potential harm to children, crime and disorder and public safety.</p> <p>I would like to strongly object to this license on the following grounds.</p> <p>After two years of the coronavirus pandemic, levels of alcohol consumption and alcohol harms have increased across Leeds, and they have disproportionately affected areas of multiple deprivation such as Burmantofts/Richmond Hill and Harehills. Much work has successfully been undertaken by Ward Councillors, the Police, and the Council's Safer Stronger Communities Team to make Harehills a more attractive and safer (retail) area. Their success in reducing street drinking and crime levels will be significantly undermined.</p> <p>Following visits from trading standards and West Yorkshire Police it was found that the premises was selling non-duty paid alcohol and illegal tobacco. Furthermore, on a number of separate occasions the premises sold alcohol to police cadets who were under the age of 18, showing that they are not promoting the licencing objectives. I am objecting to the continuation of this licence for the protection of children from harm.</p> <p>Leeds City Council has produced a matrix to estimate alcohol harm for each Middle Super Output Area (MSOA) in Leeds. Each MSOA is given an overall score which places the MSOA into a comparative city-wide risk rating. There are 107 MSOA's in Leeds. LS85HS was awarded an overall harm from alcohol related risk as <b>25 out of 107 LSOAs</b>, putting it within the <b>medium</b> risk of alcohol-related harm category.</p> <p>Analysis of the individual scores on the matrix contribute to creating a fuller picture of the local community and will be highlighted forthwith with reference to the criteria.</p> <p><b>Protection of children from harm -</b></p> <p>This area has the <b>high count</b> of off licenses in Leeds and is <b>risk rated as high with a rank rating of 16</b>. By allowing this off-licence premises to continue to sell alcohol, this will jeopardize the protection of children and young people from harm. This area has the rank rating of <b>very high</b>; it has the <b>second highest number of children</b> under the age of 16 in Leeds District (ranked <b>2</b>). The increased number of establishments selling alcohol and the subsequent proliferation of street drinkers and residents suffering from alcohol addiction normalizes the situation for children and as they grow older it sets the benchmark of what is normal in their area. We know from much peer reviewed evidence such an environment can have a strong influence on impressionable children in low-income neighborhoods and can create low aspiration amongst this peer group. <b>Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing</b> (TF. Babor et al, 2017).</p>									



Due to the high numbers of children in the area there are many schools and childcare providers some of which are listed below and are within one mile of the premises, which is located on a busy route for primary aged school children and their parents.

- Harehills Family Early Years Centre, Cowper Terrace, Harehills, Leeds LS9 7BA (0.4 miles away)
- Little Owls Nursery Harehills, Cowper Terrace, Harehills, Leeds LS9 7BA (0.4 miles away)
- Sunshine Community Nursery, 97 Harehills Rd, Harehills, Leeds LS8 5HS (**0.09 miles away or 479ft**)
- Shepherds Lane Children's Centre, Shepherds Ln, Harehills, Leeds LS8 5AW (0.4miles away)
- Harehills Primary School, Darfield Rd, Harehills, Leeds LS8 5DQ (0.2 miles away)
- Co-op Academy Nightingale, 9 Stanley Rd, Harehills, Leeds LS9 7AX (0.3 miles away)
- Co-op Academy Woodlands, Foundry Pl, Harehills, Leeds LS9 6DA (0.6 miles away)
- Hovingham Primary School, Hovingham Ave, Harehills, Leeds LS8 3QY (0.7 miles away)
- Bankside Primary School, Shepherds Ln, Harehills, Leeds LS8 5AW (0.5 miles away)
- Hillcrest Academy, Cowper St, Leeds LS7 4DR (0.7 miles away)
- Shakespeare Primary School- Parent and Staff Car Parks, Dolly Ln, Harehills, Leeds LS9 7NN (0.7 miles away)

The GIPSIL - Archway Resource Centre 95 Roundhay Rd, Harehills, Leeds LS8 5AQ) is also only 0.4 miles away. GIPSIL, work with vulnerable young people and have provided statements previously on the impact of off license on young people they work with.

The abundant presence of alcohol outlets, and associated marketing in children's environments may normalise alcohol as an every-day product, shift social norms in acceptability and use, and shape children's knowledge, attitudes, and beliefs. **Children's home and school neighbourhood exposure to alcohol marketing** (T Chambers et al.,2018).

This area has a **very high** number of young people not in education or training; it is ranked – **4 out of 107 MSOA's**. There is also a low level of educational attainment with a **high** rate of pupils not achieving a strong pass in English and Maths and is **ranked 20 out of 107 MSOA's**. Viewed alongside this the area has the high number of looked after children and young people, which is **ranked high - 13 out of 107 MSOAs**, which is highly concerning as they are more vulnerable to harm. These children and young people will have experienced trauma within the family home severe enough to warrant their removal from that family home. Their life experience will undoubtedly be skewed from the norm which often results in the young person engaging in harmful behaviours, one of which is alcohol drinking. 'Children living in the most deprived areas were almost five times more likely to be exposed to off-sales alcohol outlets than children in the least deprived areas' **Inequalities in children's exposure to alcohol outlets in Scotland: a GPS study – (Fiona M. Caryl et al.,2022)**.

The table below gives data provided by West Yorkshire Trading standards for Gipton and Harehills ward. The rows in grey are the totals for the years stated and then below those are the counts for Underage sales (UAS) or Counterfeit (tobacco or vapes) and along the top is the breakdown in complaints/visits for tobacco/vapes. When comparing 2022/23 to 2023/24 (even with this year being incomplete) total tobacco complaints/tobacco visits and vape visits have increased from the previous years, indicating that communities are worried about underage selling or counterfeit (tobacco or vapes).

<b>Gipton &amp; Harehills</b>	<b>Tobacco complaints</b>	<b>Tobacco visits</b>	<b>Vapes complaints</b>	<b>Vapes visits</b>
<b>All years</b>	102	75	18	23
UAS	10	41	18	12
Counterfeit	92	34	0	11
<b>2020-21</b>	26	11	0	0

UAS	3	8	0	0
Counterfeit	23	3	0	0
<b>2021-22</b>	<b>24</b>	<b>31</b>	<b>5</b>	<b>1</b>
UAS	3	15	5	1
Counterfeit	21	16	0	0
<b>2022-23</b>	<b>24</b>	<b>14</b>	<b>8</b>	<b>4</b>
UAS	3	3	8	1
Counterfeit	21	11	0	3
<b>2023-24 (incomplete)</b>	<b>28</b>	<b>19</b>	<b>5</b>	<b>18</b>
UAS	1	4	5	10
Counterfeit	27	15	0	8

#### Prevention of public nuisance -

Alcohol related harm hospital stays (narrow, age std. rate) are **medium** in the area – risk ranked as **53 out of 107 MSOA's** and ambulance callouts related to alcohol are also **medium - 43 out of 107 MSOAs**. These are avoidable pressures to the NHS and illustrate the harm caused by easy access to cheap alcohol with un an area.

#### Prevention of crime and disorder -

Increasing the availability of cheap strong alcohol is strongly correlated with a higher prevalence of alcohol-related crime and disorder. This is backed up by statistics from Safer Leeds, which record the number of incidents of ASB, drunk and disorderly and violent crime stats.

Anti-social behaviour where alcohol was flagged (excluding violent crime) was **high** risk ranked as **12 out of 107 MSOA's**, and violent crime **was medium** and ranked **34 out of 107 MSOAs**. Statistics relating to drunk and disorderly is very **high** and ranked as being **7 out of 107 MSOA's**. These indicators both suggest a risk to public safety as well as high levels of crime and disorder in existence in the community. This will be exacerbated by the increased accessibility of alcohol.

Healthwatch and other third sector organisations prepared a report focusing on Covid 19 and issues facing the communities in Gipton and Harehills. A survey was completed by 80 people of which a third of the respondents' said crime was something they wanted to see changed in Gipton and Harehills. The issues most often referenced were street drinking and drug dealing, as well as violence and generally not feeling safe in streets and parks.

One participant stated, ***"She didn't want to live in the area when her children grow up due to the amount of gang crime, anti-social behaviour, street drinkers, domestic violence and litter."***

Currently in public health we are conducting Health Needs Assessment for Gipton and Harehills and Burmantofts and Richmond Hill, many local people have talked about their worries around alcohol, noise nuisance/environmental concerns, crime and fear of crime.

I am part of the Harehills CommUNITY partnership meetings led by West Yorkshire Police and Leeds City Council, many local organisations are committed to the Clear Hold Build initiative to make Harehills a better place for communities to live, work and grow. Off license premises like Baba Jaga undermine all the hard work and commitment that is taken to improve the area.

Street drinking and the associated negative safety and environmental impacts on residents and businesses has been a long-standing issue in the Gipton and Harehills/Burmantofts/Richmond Hill ward.

Touchstone have been providing the TOPS (Touchstone Outreach and Prevention Service) In the Harehills area for approximately the last 2 years. This pilot funded project, works with street drinkers in

the Harehills area, offering support and signposting. The group meet twice weekly in the meeting point café.

Karen Fenton, Community Health Development Services Manager, Touchstone provided a statement below.

***We work with a highly complex, vulnerable, cohort of the local population, who are often excluded from wider services, whilst managing complex lives, trauma and dependencies on drink and require person centred support. This licensed premises providing illicit tobacco and alcohol is likely to have a negative impact upon our work and the health of these individuals and a knock-on effect to the wider community in Harehills and Burmantofts and Richmond Hill Ward.***

Below is a statement provided by the lead GP partner at Chapeltown Family surgery which is situated less than a mile away from the premises.

*I am writing to express my deep concern about the sale of alcohol to underage individuals within our community. As the children and families lead for the Burmantofts, Harehills and Richmond Hill PCN I have been made aware of this by the public health team but while the health implications are clear, I would like to highlight other critical reasons why I am so concerned.*

- 1. **Social Responsibility:** Fundamentally we have an obligation to protect our young people. Selling alcohol to minors undermines this responsibility. By allowing access to alcohol, we inadvertently contribute to potential harm and negative consequences for these young people.*
- 2. **Risk of Dependency:** Early exposure to alcohol can lead to dependency issues later in life. Adolescents' brains are still developing, and alcohol consumption during this crucial phase can alter brain chemistry and increase the likelihood of addiction. When looking at childhood trauma the negative consequences of alcohol misuse whilst growing up is a clearly recognised risk factor for problems throughout the life course.*
- 3. **Social Behavior and Safety:** In my experience a number of my younger patients have ended up in trouble with the police because of alcohol consumption. When minors gain access to alcohol, it can lead to risky behaviors, accidents, and even criminal activities. It is our cities ambition to create safer communities for children and young people to grow up in. Clearly curbing underage sales, we contribute to safer communities and protect both young individuals and the general public.*

*Thank you for considering my concerns.*

The intelligence provided above relates to the potential harm caused by alcohol within an area and viewed together creates an understanding of why this area was ranked as being an area of Leeds at high risk of alcohol related harm. Furthermore, this application also falls within a cumulative impact assessment (CIA) area. This means as a Local Authority (LA) licensing authority we have a responsibility to help limit the number or type of licence applications granted in areas where there is evidence to indicate that the number or density of licensed premises in the area is having a cumulative negative impact.

The data above shows that there are significantly higher numbers of children, vulnerable young people and those not in education or training who may seek comfort in tobacco and alcohol which we can see Baba Jaga provided cheap tobacco products and alcohol. It can also have a detrimental effect on health not knowing what is contained in illicit tobacco or alcohol. Providing cheap products can encourage those who are dependent on alcohol and tobacco to increase their usage and can be particularly difficult for street drinkers who are trying to curb their reliance. The area already suffers with high rates of violent crime, antisocial crime, ambulance callouts; impacting on emergency services and the NHS which are already strained with limited resources and capacity. The 6 failed

test purchases completed as well as the 6 seizures of illegal tobacco and non-duty paid alcohol demonstrate this retailer is not acting as a responsible retailer, therefore undermining the licensing objectives.

The pandemic has undoubtedly impacted on the communities in this neighbourhood in terms of economic decline adding increased negligent selling of tobacco and alcohol to an already saturated environment to communities who are struggling with daily life, poverty and deprivation, domestic abuse, low mood, anxiety and depression is socially irresponsible and will be detrimental to child development, family life and public order.

I would therefore ask the licensing subcommittee to question what purpose will it serve to allow this premises to continue to operate?

Considering, the evidence of how local people, organisations feel and failed test purchases and seizures made I would urge the subcommittee to support the closure of this off license to avoid the potential harm to children, additional crime and disorder offences and maintain public safety.

**Signed:**



**Date: 08/12/2023**

**Gipton & Harehills Ward**

FAO: Leeds City Council's  
Entertainment Licensing Team

**Labour Councillors**  
**Councillor Arif Hussain**  
**Councillor Salma Arif**  
**Councillor Ashgar Ali**  
Civic Hall  
Leeds, LS1 1UR



1<sup>st</sup> Dec 2023

To Whom It May Concern

**Subject: Licence Review, Baba Jaga, 107 Harehills Road, PREM/03488/011**

As ward Councillors we are writing to **support** the licence review of Baba Jaga on Harehills Road.

Baba Jaga sits right in the centre of one of Harehills' main arteries, Harehills Road. Harehills Road is a busy thoroughfare which is already saturated with retail outlets legally selling alcohol and cigarettes.

To put this into context, along Harehills Road and Harehills Lane, approximately 70% of shops are selling alcohol and cigarettes. These outlets sit – quite literally – adjacent to people's homes, children's schools as well as places of worship. Harehills is a densely populated neighbourhood; a place where what happens on the street has a huge impact on the local community.

According to the 2019 Index of Multiple Deprivation, Gipton & Harehills Ward has 17 Lower Super Output Areas (LSOAs) that are amongst the 10% most deprived in the country. That is more than any other Ward in Leeds. Coupled with this cumulative deprivation is the fact that Gipton & Harehills Ward is:

- Gipton and Harehills is second most populated Ward in Leeds with 33,645 residents living in 12,400 properties; nearly 10% of homes are classed as overcrowded.
- The Ward is both young and dynamic; 29.5% of residents are children and young people aged 14 or under. 53% of the population is aged 29 or under.
- 4,303 children and young people aged 0-15 in Gipton & Harehills live in the most income deprived households in England.

- Whilst 62.4% of the population is economically active; long term unemployment is double the Leeds average and those that have never worked is at 15.2%, which is nearly four times the Leeds average. Women from the Ward active in the job market is also notably lower than the Leeds average.
- 33.3% of working age people are receiving universal credit.
- Gipton and Harehills Ward is very diverse, with 63% of the population identifying as being from an ethnic minority; 72% of households reported that English was a first language.
- As a migration hub, the Ward has hundreds of languages spoken and numerous faiths live in close proximity (75% of households identify as being religious against a Leeds average of 65%).
- Nearly 56% of households don't have access to a car or van.
- Fuel poverty for the Ward stands at 29.9%, 8.4% of households don't have central heating.
- Crime is higher than the Leeds average with violence and sexual assault, public order, ASB and criminal damage presenting as the main issues

Source: <https://observatory.leeds.gov.uk/deprivation>

On the issue of alcohol misuse, numerous residents, both young and old and of all faiths and backgrounds, have talked to all three of us about their experiences of drink related abuse and violence on their doorstep. This behaviour as led to damage to property, broken glass, urine and worse left on the pavements outside of people's homes.

It is a major concern for us for that local residents, parents and children may have to witness anti-social behaviour on their doorstep as the result of alcohol abuse. We are also deeply concerned by the threat to health posed to vulnerable people who, due to its relative affordability, may be exposed to illegal alcohol and tobacco products that they otherwise wouldn't have access to.

Against this backdrop, the idea that a business in Harehills could be operating illegally by selling illegal cigarettes and alcohol is simply staggering. Such is the scale of alcohol related issues in Harehills, a Cumulative Impact Assessment (CIA) was introduced by the council in early 2019 and has been re-drafted and enlarged in November 2022; this enlarged area includes the site of Baba Jaga:

<https://democracy.leeds.gov.uk/documents/g11973/Public%20reports%20pack%2029th-Nov-2022%2010.00%20Licensing%20Committee.pdf?T=10> The response from Harehills residents to the CIA consultation was both compelling and shocking, but sadly not surprising.

We feel passionately that this licence should be reviewed in light of the compelling evidence presented by the Police, as letting this business trade illegally would be seriously damaging to the health of the people of Harehills.

For over three years, a dedicated partnership made up of local Cllrs, council officers, the Police and representatives from the community and voluntary sector have sought to address the issue of problem drinking in Harehills. Problem street drinking is a tragic but inevitable bi-product of the availability of cheap alcohol, sold from numerous outlets, at all hours.

To expand, the multi-agency partnership is taking-up this complex challenge is on several fronts. Focus is being given to disruption, which includes enforcing the existing Public Space Protection Order (PSPO: <https://www.leeds.gov.uk/antisocial-behaviour-and-crime/public-spaces-protection-orders/harehills-pspo>) and serving injunctions on the more troublesome street drinkers.

In tandem to this approach, there is also a concerted effort to engage with this cohort of drinkers to address their needs around addiction. This work has proven challenging for the partnership given the obvious tension between balancing the imperative to support individuals who are addicted to alcohol and the concerns of the wider community who are suffering because of their actions. A constant pressure for the partnership is allowing the space and time for the outreach work to pay dividends whilst demonstrating to residents that this issue is being taken seriously via enforcement activity that reduces unacceptable levels of anti-social behaviour.

Genuine relationships are being forged under difficult circumstances by Touchstone's dedicated outreach worker who has conducted numerous visits to the Harehills area to date. Allied to this, alcohol supply has sought to have been addressed through the continued defence of the council's Cumulative Impact Assessment (CIA) and the opposition of any new off licenses; four applications have been declined in recent times, but tens of off-licences remain in a less than two-mile square radius. A prominent derelict site on Compton Road has also been target hardened following work by Cleaner Neighbourhoods Team colleagues, as it was a magnet for street drinkers.

Ward Members from both Gipton and Harehills and Burmantofts and Richmond Hill have committed funding for the Touchstone outreach worker, with group sessions for this cohort taking place at a local café on Harehills Lane. Encouragingly, around 12-15 people now regularly attend and engage with support services at these sessions, with over 129 individuals with alcohol dependency issues attending since October 2021.

Incremental progress is being made with two attendees in rehab; one individual is not attending due to "now working" and some of those who attended on a regular basis are now staying at home, in a relationship or visiting family i.e. positive lifestyle changes. Most refrain from drinking to attend the session then go home afterwards. Furthermore, some clients changed their drinking behaviour and reported increased

confidence and self-worth. In addition, there was a take up of new registrations with Forward Leeds, who supported the drop-in sessions.

Allied to this, colleagues in Leeds Anti-Social Behaviour Team, along with the Police and the Safer, Stronger Communities Team are constantly working in partnership using all the available legislation including the Anti-Social Behaviour Crime and Policing Act 2014 to address the issue of problem street drinking and associated community concerns.

The innovative use of 'Closure Orders', granted under anti-social behaviour legislation further bolstered the existing PSPO in the area for a time. The Closure Order, which denied access to a specific area if people are in possession of an open container of alcohol, also gave officers additional powers to ensure there was the necessary balanced approach that allowed officers to support the needs of the community as well as the needs of a group of individuals with very serious challenges around addiction.

East Leeds Neighbourhood Policing Team undertook the following action in relation to the Closure Order, which ran from December 2021 until June 2022:

- 92 x individuals issued with warnings
- 36 x individuals reported for summons to court, for breaching the order and previous warnings issued
- 7 x individuals arrested for offences including breach of the closure order, breach of bail and drunk and disorderly.
- 3 x individuals prosecuted and fined in court, for breaching the partial closure order

Closure Order: <https://www.westyorkshire.police.uk/news-appeals/new-powers-tackle-street-drinking-harehills-leeds>

As a community, along with the council, statutory services and local community and voluntary sector groups we are exhaustively trying to redress the current imbalance in an area where alcohol misuse is having a detrimental effect on the lives of residents.

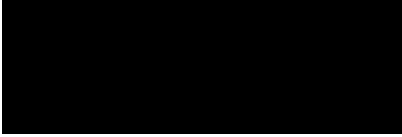
Ignoring the very real and serious concerns raised by the Police in this licence review, will be slap on the faces of everyone who has campaigned for the CIA, the PSPO, the closure order as well as those working hard to support people with alcohol addiction.

As Ward Councillors, we hope you will consider the concerns raised above and come to the decision that Harehills does not need, want, or deserve an off license selling illegal alcohol and tobacco.

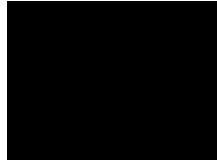
We say with a united voice, please consider the impact on our residents, they deserve so much better than this.



Yours sincerely



Councillor Arif Hussain



Councillor Salma Arif



Councillor Asghar Ali