



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS, LS1 1UR ON
TUESDAY, 19TH DECEMBER, 2023 AT 10.00 AM

MEMBERSHIP

Councillors

- L Farley - Burmantofts and Richmond Hill;
A Hutchison - Morley North;
D Seary - Pudsey;

Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people

**Enquiries specific to
Entertainment Licensing:**

**Matthew Nelson
Tel No: 0113 37 85337**

**Agenda compiled by:
Governance and Scrutiny
Support
Civic Hall
LEEDS LS1 1UR
Tel No: 0113 37 88657**

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p style="text-align: center;"><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p> <p>To seek nominations for the election for the position of Chair.</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance and Scrutiny Support at least 24 hours before the meeting)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
5			<p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> <p><u>HEARINGS</u></p>	
6			<p>REVIEW OF THE PREMISES LICENCE FOR M&S 24/7 OFF LICENSE SHOP, 128 ROUNDHAY ROAD, LEEDS, LS8 5NA</p> <p>To consider the report of the Chief officer, Elections and Regulatory, advising that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a Review of the Premises Licence in respect of M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA.</p>	7 - 58
7			<p>REVIEW OF THE PREMISES LICENCE FOR BABA JAGA 2, 12 - 14 STRATHMORE DRIVE, HAREHILLS, LEEDS, LS9 6AB</p> <p>To consider the report of the Chief officer, Elections and Regulatory advising that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a Review of a Premises Licence in respect of Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB.</p>	59 - 120

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. <p>‘We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in-person, please advise us in advance of any specific access requirements that we need to take into account by email (FacilitiesManagement@leeds.gov.uk). Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details’.</p>	



Report Author: Mr Martyn Musson
Tel: 0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday 19 December 2023

Subject: Review of the Premises Licence for M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA

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

Executive Summary

This report informs the Licensing Sub Committee that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA.

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

The application to review the licence follows a visit by West Yorkshire Police and Leeds City Council's Entertainment Licensing Section. The visit resulted in the seizure of a large amount of nitrous oxide from the premises and found that the business was not operating in accordance with its Premises Licence.

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

1.0 Purpose of this Report

- 1.1 This report informs Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA. The application is made on the grounds of the prevention of crime and disorder, public safety & the protection of children from harm.
- 1.2 A copy of the application can be found at **Appendix A**.
- 1.3 West Yorkshire Police have submitted additional information in support of the application which can be found at **Appendix B**. This comprises of a police officer statement, photographic evidence and a prepared statement of the premises licence holder.

2.0 Background Information

- 2.1 February 2009: An application for the grant of a premises licence was made, t/a Roundhay Convenience Store, which received representations from West Yorkshire Police and a local resident. Agreements were reached with West Yorkshire Police to incorporate suggested measures in the proposed operating schedule and the representation was withdrawn. The representation from a local resident remained outstanding and the Licensing Sub Committee resolved to grant the licence, as applied for, subject to additional terms restricting the selection, packaging and dispatch of alcohol products from the premises between 07:00 and 23:00 hours.
- 2.2 May 2009: An application to vary the licence was submitted proposing to extend the sale by retail of alcohol to 00:00 - 23:59 hours, everyday. The applicant agreed to accept a number of measures suggested by West Yorkshire Police, the representation was withdrawn and the licence was granted.
- 2.3 December 2019: Applications were received to transfer the premises licence to Merhawi Yowhanshe and to specify Merhawi Yowhanshe as the Designated Premises Supervisor. The applications did not attract objections from West Yorkshire Police and both were granted as applied for.

3.0 Premises Licence

- 3.1 The premises licence holder is Merhawi Yowhanshe.
- 3.2 Details of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence authorises the following:

*Sale by retail of alcohol (for consumption off the premises)
Every Day 00:00 - 23:59*

4.0 Designated Premises Supervisor

- 4.1 The Designated Premises Supervisor for the premises is Mr Merhawi Yowhanshe.

5.0 Location

- 5.1 A map which identifies the location of the premises is attached at **Appendix D**.

6.0 Main Issues

- 6.1 An investigation by the West Yorkshire Police and Leeds City Council's Licensing Authority was conducted on 23 August 2023 at the premises acting on information that the premises were selling alcohol and providing nitrous oxide (laughing gas) to children.
- 6.2 A visit to the premises resulted in the seizure of a large amount of nitrous oxide and a further investigation of the premises licence holder for the possession with intent to supply psychoactive substances and money laundering.
- 6.3 During the visit officers also found that the business was not operating in accordance with a number of premises licence conditions.

7.0 Relevant Representations

- 7.1 Under the Act representations can be received from responsible authorities and/or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 7.2 The Licensing Authority is in receipt of three representations in support of the review application and copies are available as follows:
- Senior Enforcement & Liaison Officer, Entertainment Licensing - **Appendix E**
 - Leeds City Council, Public Health - **Appendix F**
 - Gipton & Harehills Ward Councillors - **Appendix G**

8.0 Cumulative Impact

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

8.0 Matters Relevant to the Application

- 8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act (Statutory Guidance). A copy of the relevant section is attached at **Appendix H**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

- 9.1 It is stated in the licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 11.16 of the policy with particular seriousness, including;

“use of the premises for criminal activities such as the supply of drugs, money laundering or the keeping and supply of illicit goods.”

10.0 Legal and Resource Implications

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate’s Court.

11.0 Recommendations

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - to remove the Designated Premises Supervisor;
 - to suspend the licence for a period not exceeding 3 months; and/or
 - to revoke the licence.
- 11.2 Members may decide that no action is necessary and that the circumstances of the review do not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the Statutory Guidance suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However, the guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.24 to 11.28 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

Appendices

Appendix A	Review Application
Appendix B	Review Supporting Documents
Appendix C	Premises Licence
Appendix D	Map of premises
Appendix E	Entertainment Licensing Representation
Appendix F	Public Health Representation
Appendix G	Local Ward Councillors Representation
Appendix H	Extract from the s182 Guidance



APPLICATION FOR THE 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 that 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, (insert name of applicant) PC [redacted] Neil Haywood

- 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

Part 1 - Premises or Club Premises details
Postal address of premises or, if none, Ordnance Survey map reference or description:
M and S 24/7 Off Licence, 128 Roundhay Road,
Town/City: Leeds Postcode: LS8 5NA

Name of premises licence holder or club holding club premises certificate (if known):
Mr Merhawi Yowhase
Number of premises licence or club premises certificate (if known): PREM/02712/006

Part 2 - Applicant details
Please 'check' appropriate box(es)
I am:
1. An interested party (please complete A or B below)
(a) a person living in the vicinity of the premises
(b) a body representing persons living in the vicinity of the premises
(c) a person involved in business in the vicinity of the premises
(d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A - Details of individual applicant
Surname: Forename(s):
I am 18 years old or over:
Current postal address if different from premises address: Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

B – Details of other applicant

Surname: Forename(s):
Address: Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R. PC
Surname: Haywood Forename(s): Neil
Address: C/O
Leeds District HQ
Elland Road Police Station
Elland Road
Town/City: Leeds Postcode: LS118BU
Daytime contact telephone number: [REDACTED]
E-mail address (optional): [REDACTED]

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

West Yorkshire Police holds information to suggest that M&S Off Licence is selling alcohol and nitrous oxide laughing gas to underage children.

At 12:20 hours on Wednesday the 23rd August 2023, Officers from West Yorkshire Police Licensing and Leeds City Council Licensing visited M and S 24/7 Off Licence, 128 Roundhay Road, Leeds. The premises license holder Merhawi Youhanse was on site at the time of the visit.

During the visit, the officers found 10 boxes each containing 6 large bottles of nitrous oxide, also known as laughing gas in an area at the rear of the store and also located on the steps leading to the store room in the basement. The total weight of these bottles was 86kg

Officers also found 10 packs of 16 balloons behind the counter.

Youhanse was asked about the why he had so much nitrous oxide, to which he replied "for cakes."

Youhanse was interviewed by Police at Elland Road for the offences of Possession with intent to supply a psychoactive substance and money laundering. He refused to answer any questions asked by officers. He did provide a prepared statement denying the offence regarding the nitrous oxide, stating they were delivered that morning in error to the store. He wrote in his statement that the comment he made to Police about the gas being "for cakes" was because he didn't understand what was being asked of him.

This explanation is implausible and it is believed the nitrous oxide and balloons were in the store to be sold for the purpose of being inhaled to provide a high to the recipients. It is not plausible to answer the question posed with the answer "cakes" if the question was not understood. It is believed the answer cakes was given as the only legal use of nitrous oxide is in baking as an aerating agent for cream, and this was given as a defence. The location of the boxes of nitrous oxide at the bottom of the stairs does not correlate to the explanation that they had just been delivered in error.

Merhawi Yowhanse is the premises licence holder, Designated premises supervisor and therefore personal licence holder. As part of his licence application, he will have attended a personal licence course delivered in English and also a personal licence exam, also in English. It is reasonable to assume he understood the question posed in the store about the nitrous oxide which elicited his response of "for cakes".

As per the Office of National Statistics website – "Nitrous oxide has become one of the most commonly abused substances in England and Wales, particularly among young people. In the year ending March 2020, 2.4% of adults aged 16 to 59 years and 8.7% of adults aged 16 to 24 years reported using nitrous oxide in the past year. This makes it the second most abused drug for those aged 16 to 24 (after cannabis) and third most abused drug among those aged 16 to 59 years (after cannabis and cocaine).

Between 2001 and 2020, there were 56 registered deaths involving nitrous oxide in England and Wales, with 45 of those having been registered since 2010. Among other health risks, inhaling nitrous oxide (through a mask) runs the risk of asphyxiation or suffocation."

According to transformdrugs.org, It takes one 8 gram cannister to fill a balloon for inhalation. This works out that the 86kg of cannisters found in M and S, would equate to enough nitrous oxide to inflate 10,750 balloons.

RESTRICTED

Whilst there are several options available to the licensing sub-committee, due to the seriousness of the described activities, we would ask the committee to consider full revocation of the licence.

Please provide as much information as possible to support the application (please read Guidance note 2)

RESTRICTED

Documents provided in support of application-

Statement of PC Neil Haywood – evidences the events in the store on the day of the visit

Exhibits NH3-NH10 – images taken by PC 3718 Haywood on the day of the visit, showing the layout of the store and the location of the nitrous oxide

Prepared statement – the document given by Merhawi Youhanse and his solicitor in the recorded interview under caution with PC Haywood on the 20th September 2023

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

RESTRICTED

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

Please 'check' appropriate box(es)

- 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 applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual

authority to do so.

5. This is the address which we shall use to correspond with you about this application.

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WITNESS STATEMENT


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

NICHE Ref. No:

URN:

Statement of: Neil Haywood

Date of birth: Over 18

Occupation: PC 

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

Signature: N Haywood

Date: 23-8-23

Signature witnessed by: N/A

Date:

Time and date statement taken: 23-8-23

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

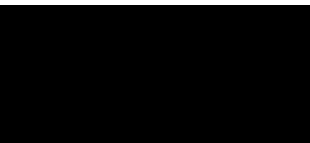
I am a West Yorkshire Police Officer currently stationed at Elland Road Police Station. I am the Licensing Officer covering East Leeds and Outer South Leeds.

At 12:20 hours on Wednesday the 23rd August 2023, I was on duty in civilian clothing in company with Carmel Brennand from Leeds City Council Licensing Team. At this time we attended M and S Off Licence, 128 Roundhay Road, Leeds to carry out a licensing visit.

Upon arrival we entered the store which is described as a small off licence with a counter to the left side as you enter. The store had a large amount of alcohol displayed and I would describe it as alcohol focused. At the rear was an open doorway to stock items in piles, and then there is a set of stairs leading down to a basement stock area,

I spoke to the male who was working at the counter who later identified himself as

Mehawi Yowhanse



His identity was later verified by checking his driving licence.

Yowhanse identified himself as the owner and licensee of the premises. I explained we were carrying out a licensed visit. Carmel asked him some questions about his delivery policy and we checked his CCTV. Mehawi was unable to operate the CCTV which he is required to do as part of his licence.

I asked Mehawi if he minded if I checked behind the counter, which he agreed. I looked behind and located a large pack of 10 sets of 16 balloons laid on various boxes of alcohol behind the counter. The other items appeared to be excess stock that was already on display, but there were no balloons on display in the store which appeared odd. I asked him what the items were to be used for and he replied to be sold. I asked him to who and he replied to sell to children for kids parties. I pointed out it was

Signature: N. Haywood

Page Signature witnessed by: N/A

NICHE Ref. No:		URN:	
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Continuation Statement of: Neil Haywood

strange the balloons weren't being displayed on the various shelves and hooks like all the other items. I asked him he sold any as nitrous oxide filled balloons and he replied no.

I was then alerted by my colleague Carmel to come to the back of the shop. When I got there, she pointed to a number of white boxes that were piled up around the stairway. These were clearly marked as "nitrous oxide". Each box is approximately 50 cm high and contained 6 large bottles of nitrous oxide gas. Each box had an indicated weight on it of 8.6 kg, so 86 kg of nitrous oxide in total.

I pointed the boxes out to Mehawi and asked him why he had so much nitrous oxide. He replied, "For cakes". I suspected this to be false.

As well as the nitrous oxide, there were large amounts of alcohol on the stairs and in the basement which was way in excess of what a store of this size would normally hold.

I informed Mehawi that I suspected he was selling nitrous oxide filled balloons and this was an offence.

At 12:30 I seized the following items

10 cases of nitrous oxide gas – exhibit NH1
10 packs of 16 balloons – exhibit NH2

I informed Mehawi these were being seized as evidence and he would be contacted at a later date to be interviewed about the offence.

I also took the following images as evidence.

Image of stairway at the rear of the store – NH3
Images of basement – NH4 - NH7
Image showing behind the counter where the balloons were located – NH8
Image showing a box of nitrous oxide which was seized – NH9
Image showing the balloons – NH10

Exhibits NH1 and 2 were subsequently booked into stores at Elland Road.

Signature: N Haywood

Signature witnessed by: N/A

Exhibit NH3 – Image showing stairs



Images of basement – NH4 - NH7





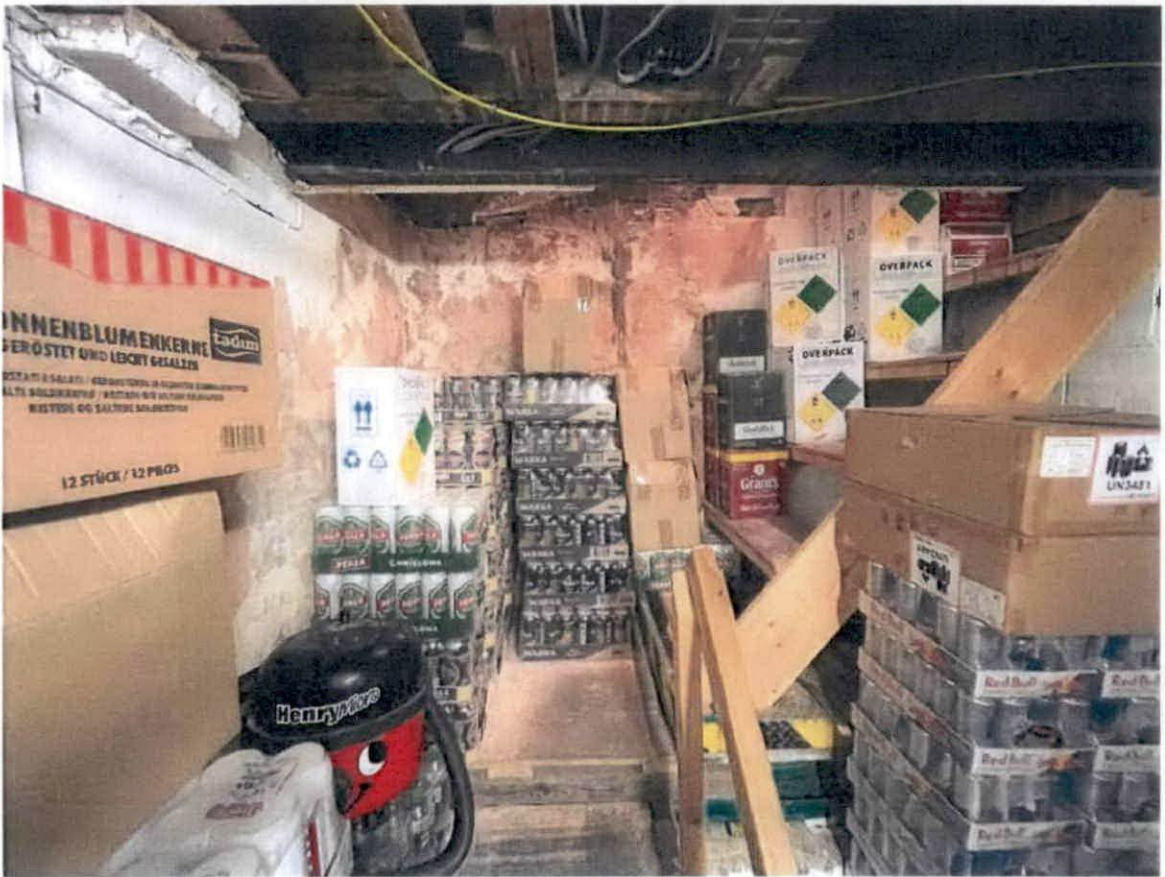


Image showing behind the counter where the balloons were located – NH8

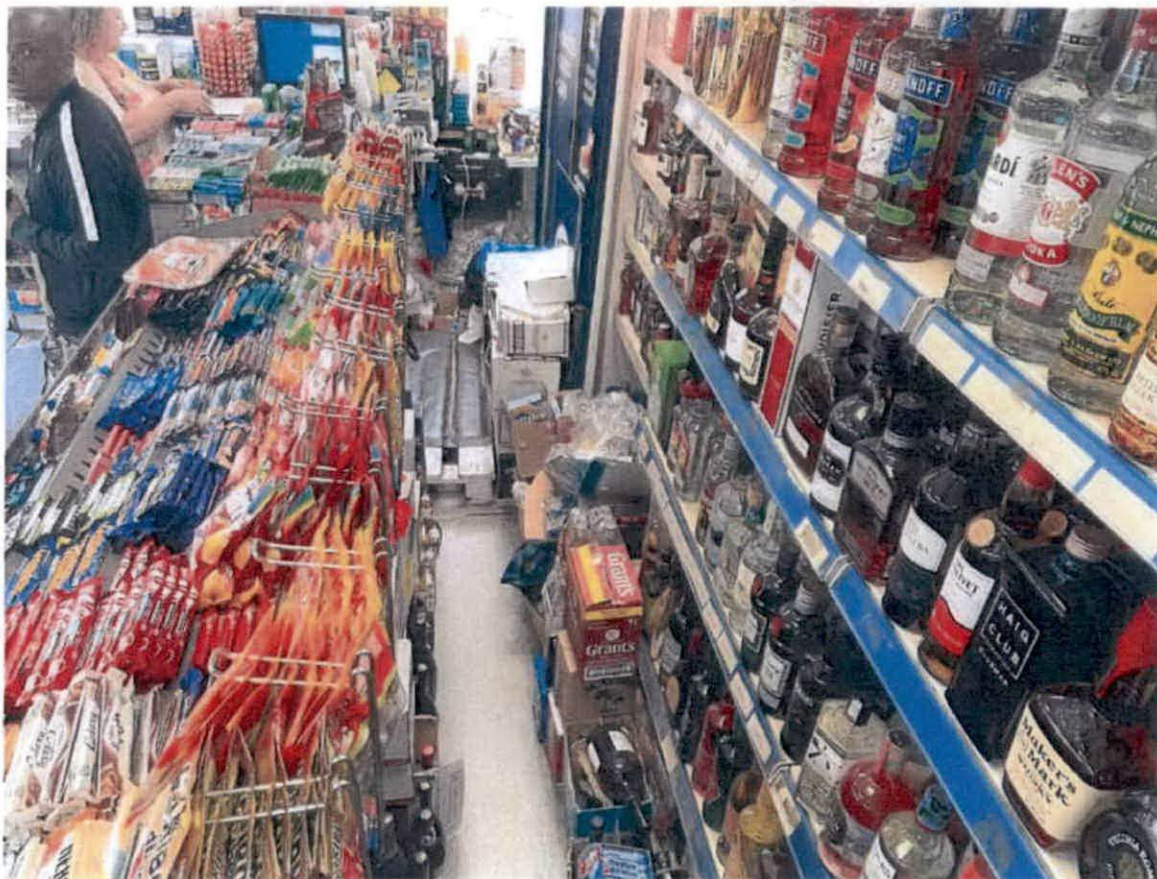


Image showing a box of nitrous oxide which was seized – NH9




Image showing the balloons - NH10



PREPARED STATEMENT

I Merthawi Molchase Lall Say as follows:-

- (1) I deny the allegation of Possession with Intent to Supply a Psychoactive Substance.
- (2) I deny the allegation of Money Laundering.
- (3) The boxes that contained the Nitrous Oxide were delivered the same day during a period when I was very busy in the shop.
- (4) They were delivered in error as I had not ordered the Nitrous Oxide.
- (5) They were I believe ~~made~~ delivered to the rear of the shop and I did not know the boxes were there until they were pointed out by the officer - if I said "those are for cakes" I didn't understand what the officer was asking me.
- (6) The balloons behind the counter were simply for sale for parties etc.
- (7) The Cash was from the shop and I intended to use it to buy stock eg Cigarettes and alcohol.

Signed.......... Date: 20/9/23 Time:.....

I confirm that I have interpreted the above statement into English

Signed: 

Premises Licence

Part A Schedule 12 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

M&S 24/7 Off License Shop, 128 Roundhay Road, Leeds, LS8 5NA

Licensable activities authorised by this licence

Sale by retail of alcohol,

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Every Day 00:00 - 23:59

Opening hours of the premises

Everyday 00:00 - 23:59

Alcohol is sold for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Merhawi Yowhanse
39 Marlborough Towers
Park Lane
Woodhouse
Leeds
LS1 4PG

Current Email Address:

[REDACTED]

Mobile Telephone Number:

[REDACTED]

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Merhawi Yowhanse
39 Marlborough Towers
Park Lane
Woodhouse
Leeds
LS1 4PG

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: LEEDS/PERL/10236/19

Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council



Mrs Emma White
Licensing Officer
Entertainment Licensing
Elections, Licensing and Registration

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises

in a capacity which enables the member or officer to prevent the supply in question;
and

- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

1. Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

6. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
7. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
8. A supervisor's register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
9. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
10. Security staff/ designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
11. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, and ejections from the premises.
12. The Incident report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
13. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
14. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
15. The Licensee's staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.

16. The Licensee's staff will ask for evidence from any person appearing to be under the age of 18 who attempts to purchase alcohol at the premises.
17. The premises licence holder, designated premises supervisor and any other person who is responsible for the supply of alcohol at the licensed premises, shall at all times that the premises licence has effect adopt the 'Check 21' or a similar proof of age scheme, but only one which is recognised by West Yorkshire Police.
18. All refusals of sales of alcohol will be recorded in a refusals register. The register will contain the following details:
 - The time, day and date the refusal was made,
 - The name of the staff member refusing the sale
 - The name and address of the person attempting to buy the alcohol (where supplied),
 - Full description of said person, and
 - Full details of the alcohol they attempt to purchase.
19. The refusals register retained at the licensed premises, must be produced upon request to the Police or an authorised officer of the licensing authority.
20. All sales staff responsible for making sales to members of the public will undergo relevant and appropriate training with regards to 'Check 21' and the refusals register.
21. A training register will be maintained at the premises.
22. The register will contain training records which include the following:
 - The time, day and date the training was given
 - Details of the training given
 - The signature of the person supplying and the person receiving said training
23. The training register must be produced upon request to the Police or an authorised officer of the licensing authority.
24. Whenever this premises licence has effect:
 - Members of the public will be allowed to access the licensed premises for the sale of alcohol, only between the hours of 07:00 to 23:00 on any Monday to Sunday.
 - At all other times, the licensed premises will remain closed to members of the public for the sale of alcohol.
 - All sales outside these times, so between 23:00 hours and 07:00 hours each day, will be made through a professionally installed 'hatch' at the front of the premises. Between these times there will be no access to the premises and the shutters will be down.
25. This premises licence offers a delivery service 24 hours a day 7 days a week, which covers:
 - The delivery of alcohol supplied for consumption off the licensed premises during the shop hours indicated above but strictly in accordance with the conditions specified below, or alternatively
 - The delivery of alcohol supplied for consumption off the licensed premises, outside of the shop hours indicated above when the premises are closed to the public, but also strictly in accordance with the same conditions specified below.
26. Any computer website or any other form of advertising promoting this delivery service shall AT ALL TIMES clearly indicate:

The name of the delivery service, valid telephone numbers, email address, the premises licence number which authorizes the sale/supply of alcohol and the relevant licensing authority which issued the premises licence:

 - The ordering by, sale/supply of any alcohol product to anybody under the age of 18, or delivery of any alcohol products to anybody under the age of 18 is strictly forbidden;

- Every person placing an order, MUST provide a date of birth otherwise the order will be refused outright;
 - On delivery when asked to do so, refusal or failure to provide only valid and accredited proof of age cards/documents will result in the delivery of an alcohol order being refused outright;
 - This company adopts a 'Check 21' policy at all times.
27. In terms of identifying any vehicles used for alcohol delivery in accordance with this premises licence, the information to be displayed on any vehicles will be at the discretion of the premise licence holder, but must at the very least indicate the name of the operator/company and that the vehicle is being used as an alcohol delivery service.
 28. All sales assistants taking orders for any alcohol products to be delivered under the terms of this premise licence, shall be employed by the premise licence holder.
 29. All sales assistants taking orders for alcohol products must always ask to be provided with a date of birth by the person placing the order, otherwise the order will be refused outright.
 30. Sale assistants taking orders for alcohol products to be delivered over the telephone, will also refuse the order outright to someone who in their opinion is already drunk on the telephone.
 31. If a sales assistant refuses any order for EITHER underage or drunken purchasers, where known, the details of the person, their date of birth, their address and the date and time of the order will be entered in the refusal register, to be retained at the licensed premises, for possible inspection at anytime by a police constable or an authorised officer of the licensing authority.
 32. On EVERY occasion an order for any alcohol product for delivery is processed under the terms of this premise licence, then an invoice will be produced by sales assistants.
 33. Every invoice MUST at the very least contain the following information:
 - Personal details of the person/company placing the order which the proprietor thinks appropriate, but which MUST include the name, DATE OF BIRTH, telephone number of the person placing the order, and the full postal address to which the order will be delivered.
 - Confirmation that the sales assistant is satisfied that the person placing the order is over 18 by being provided with a date of birth which is then recorded on the invoice.
 - The quantity, description and price of the alcohol products ordered.
 - The date and time that the order took place.
 - How the invoice total is to be paid for, with the order or by payment on delivery and the method of payment in either case.
 - The date and time that the delivery commenced from the licensed premises to the address given at (1).
 34. A copy of all invoice orders shall AT ALL TIMES be retained at the licensed premises for possible inspection at any time by a police constable or an authorised officer of the licensing authority.
 35. Delivery of any alcohol products under the terms of this premises licence, shall only take place where an order for those products has previously taken place, in a manner described previously.
 36. ALL alcohol products previously ordered, will be stored only at this address identified on the premises licence as that of the 'licensed' premises and no other premises.
 37. Delivery of any alcohol products previously ordered shall only be dispatched from this address identified on the premises licence as that of the licensed premises and no other premises.
 38. All deliveries from the licensed premises will only be made by the premises licence holder or other drivers employed by and then authorised to make deliveries by the premises licence holder.

39. In the case of all deliveries, no person under the age of 18 will be employed by the premises licence holder as the driver of a vehicle to be involved in the operation of this business and to have any responsibility for the delivery of alcohol products from the licensed premises.
40. No other alcohol products shall be carried on any vehicle by any driver at any time, other than products previously ordered, properly invoiced and shown on the delivery note in the drivers possession, dispatched from the licensed premises and on the vehicle being delivered.
41. No further sale/supply of any alcohol product (including any form of payment), shall take place on or from any vehicles at any time, either stationary or in transit, once any vehicle has commenced any journey from the licensed premises; the sole purpose of which is to deliver only those alcohol products previously ordered, properly invoiced and shown on the delivery note in the drivers possession, dispatched from the licensed premise and on the vehicle for delivery.
42. In the case of all deliveries, all drivers of vehicles involved in the delivery of alcohol products as part of the operation of this business, must follow the following procedure when making delivery of an order previously made:
 - Carry a copy of all invoice orders/delivery notes on the vehicle throughout the whole delivery from and back to the licensed premises;
 - The driver of the delivery vehicle, shall telephone or alert the purchaser by some other means when he arrives outside the address entered on the invoice copies, but not by sounding the vehicle horn at any time;
 - If the address on arrival is not the same as the one given at the time of ordering and invoiced, then the delivery will be refused by the driver and the complete alcohol order, will be returned to the licensed premises from where it was dispatched by the driver.
43. All drivers will make sure that the alcohol products are delivered to the person who made the order and who appears on the invoice/delivery note, who will then sign and print their name on the invoice/delivery note.
44. The driver involved in the delivery of the alcohol order will then complete the invoice/delivery note, by signing and printing his name and the date and time that the delivery was made and signed for by the purchaser.
45. The driver who signed and printed his name, will then give a copy of the completed invoice/delivery note to the person who signed for the delivery as proof of purchase.
46. However, where on delivery the driver suspects or is in any doubt that the person who placed the order and is the recipient of the delivery is or maybe under the age of 18 and cannot prove otherwise by way of producing valid and accredited proof of age cards/documents recognised by West Yorkshire Police. Then the delivery must be refused and the complete order returned to the licensed premises with the invoice/delivery note completed accordingly by the driver to show refusal.
47. If the driver involved in the delivery, is still in any doubt even after recognised proof of age has been produced above, then the delivery must be refused and the complete order returned to the licensed premises with the invoice/delivery note completed accordingly by the driver to show the refusal.
48. If a delivery is refused due to a purchaser being under age, or being unable to prove their age, then the driver will also keep a refusal book on the delivery vehicle containing the time and date of the delivery, the name, date of birth and full postal address of the individual/s.
49. The refusal book for under age persons will be updated by drivers involved in the delivery of alcohol products and will be retained on the delivery vehicles for possible inspection at any time by a police constable or an authorised officer of the licensing authority.

50. The copy invoice/delivery note completed by the drivers signature shall be kept on the vehicle until the delivery is complete, for possible inspection at any time by a police constable or an authorised officer of the licensing authority.
51. The copy invoice/delivery note completed by the drivers signature shall be returned on completion of the delivery when it shall then be filed and retained alongside the original invoice order at the licensed premises, for possible inspection at any time by a police constable or an authorised officer of the licensing authority.

Public Safety

52. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
53. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of fire.
54. The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.
55. Staff will be trained in the procedure and a record kept of such training.

The prevention of public nuisance

56. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
57. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them for their public responsibilities where necessary.
58. A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent location.

Protection of children from harm

59. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards.
60. The Licensee's staff will ask for evidence of age from any person appearing to be under the age of 18 who is attempting to purchase alcohol at the premises.
61. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.
62. The Licensee will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm.
63. The Licensee will comply with the written guidance for protecting children from harm issued by Leeds City Council, Children's Services.

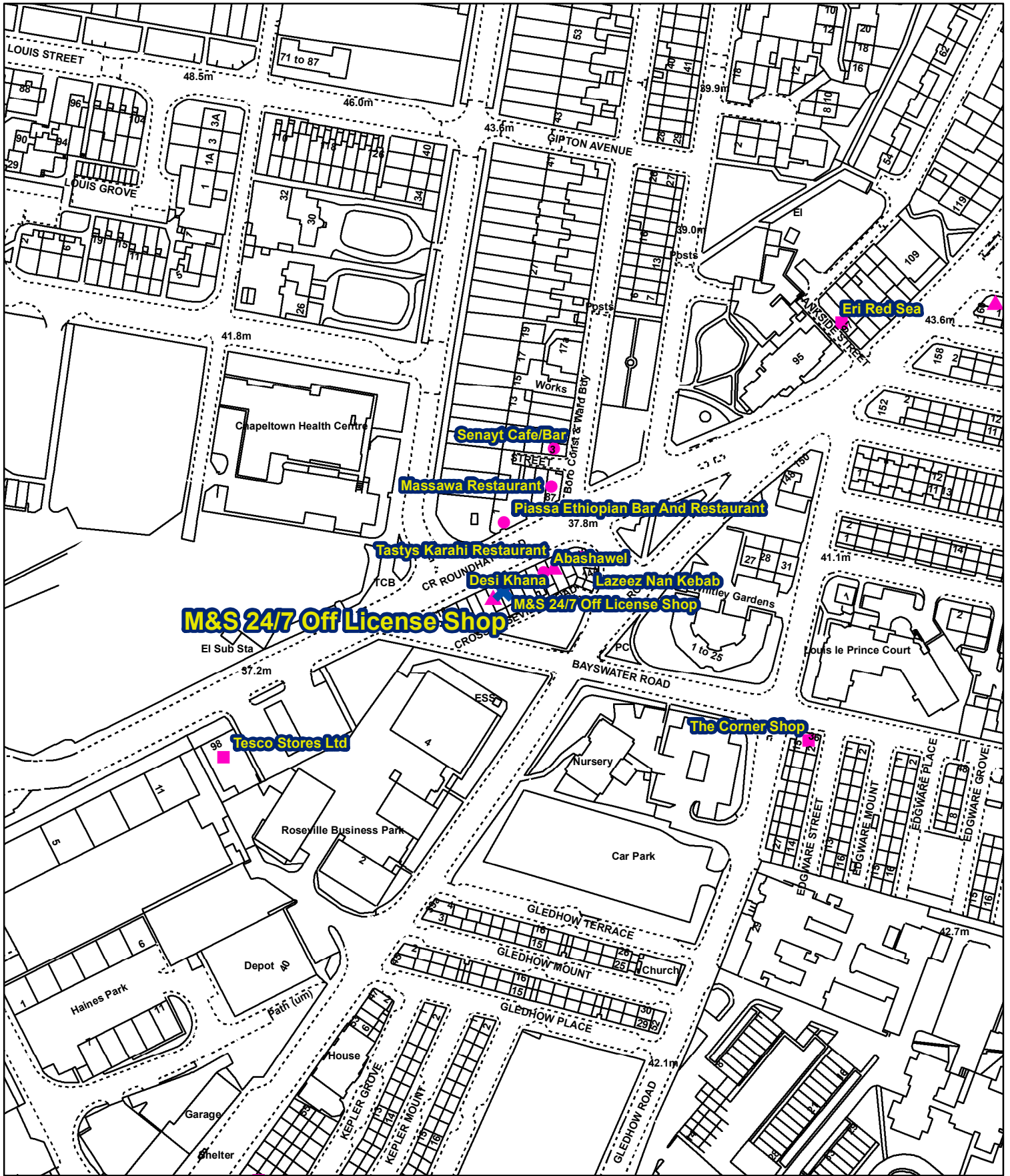
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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





This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key

	On licence		Late night refreshment
	Off licence		Other

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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/02712/008

Your Ref:

Contact: Carmel Brennand

Tel: 0113 3785029

Fax: 0113 3367124

Email: [REDACTED]

Date: 3 December 2023

Dear Sirs/Madam,

REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: M&S 24/7 OFF LICENCE SHOP, 128 ROUNDHAY ROAD, LEEDS,
LS8 5NA

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 current Premises Licence PREM/03356/006 for M&S 24/7 Off Licence Shop allows the retail sale of alcohol between 00:00 and 23:59 every day. The Premises Licence Holder (PLH) and the specified Designated Premises Supervisor (DPS) since 13 November 2019 is Mr Merhawi Yowhanshe. The premises was previously known as Roundhay Convenience Store and on the 26 September 2023 Entertainment Licensing received an application from Mr Yowhanshe to change the trading name to M&S 24/7 Off Licence Shop.

As a result of information passed to West Yorkshire Police that alcohol and nitrous oxide (laughing gas) was being sold to children; PC Neil Haywood and I visited the shop at 12:20 on the 23 August 2023. The PLH and DPS Mr Merhawi Yowhanshe was present at the shop at the time of our visit.

PC Haywood spoke to Mr Yowhanshe about the allegation and asked if he could have a look behind the counter. He found a 10 pack of balloons attached to cardboard – each pack contained 16 balloons under the counter not on display to customers. When PC Haywood asked who bought the balloons Mr Yowhanshe replied that that it was a man in a white van. PC Haywood said, 'No, who buys them?'. Mr Yowhanshe did not reply and PC Haywood said, 'I believe you are selling these to children'.

I walked around the shop to the rear door. There were boxes of alcohol piled high on both sides towards the rear door and to the left at the top of the stairs I noted boxes of nitrous oxide cannisters. One of the boxes was open and when I looked inside I noted there were 6 large cannisters of nitrous oxide. They were about the size of medium fire extinguishers. I called PC Haywood to the back and showed him the boxes at the top of the stairs. There were 10 boxes altogether, some on the right hand side of the stairs leading to the basement store room. PC Haywood asked Mr Yowhanse 'Why do you have these? Is it for balloons?'. When Mr Yowhanse replied that it was for cakes, PC Haywood asked 'Why would you need so many?'.

We returned to the counter and I noted that Part B was displayed high up behind the counter. When I asked Mr Yowhanse if he could produce Part A of the Premises Licence he could not. I explained that this was an offence under Section 57 of the Licensing Act 2003.

Section 57 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.

(3) The holder of the premises licence must secure that—

(a) the summary of the licence or a certified copy of that summary and and

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),

are prominently displayed at the premises.

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

I then asked about the cctv as there was a monitor screen facing the counter showing 4 camera feeds. I noted that the time was an hour out. I asked Mr Yowhanse if he could operate the cctv. I asked him what hours he was open. He said 24 hours. I asked 'You are open 24 hours and your cctv does not work?' He replied that it did. I told him that he had to show me that it was recording for the requisite 31 days. Mr Yowhanse stated that he could not operate the cctv.

When I asked him about deliveries as there were nearly 3 pages of conditions Relating to them, he said he did not do deliveries of alcohol.

I then asked to have a look at the Incident Register and Refusals Register as these are specific conditions on the Premises Licence. He said that he did not have such records. I advised Mr Yowhanse that a Page a Day Diary would comply for both of these conditions as they are usually bound and have the dates on each page so are chronological in effect and you would be able to tell easily if a page was missing.

I gave him 1 week to rectify the matters.

When there is a breach of Premise Licence conditions any sales of alcohol become 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 an 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.*

PC Haywood seized the 10 boxes of nitrous oxide and the balloons.

At 13:32 on the 25 September 2023 PC Haywood and I revisited the shop and found Mr Yowhans on site. He was able to produce Part A of the Premises Licence and there were proof of age posters on display. PC Haywood gave Mr Yowhans forms for the seizure of his phone.

I noted that the cctv was still at the incorrect time and then asked Mr Yowhans if he could operate the system to show me 31 days recording. He said the harddrive and mouse was in the cellar. PC Haywood followed him down to the cellar but after some time came back saying that Mr Yowhans could not access the system as he had forgotten the PIN. PC Haywood explained that it was not ideal having the monitor etc in the cellar and recommended that it would be better located behind the counter making it more accessible.

I explained that every time he sells a bottle of vodka or a can of beer and he's not compliant with the cctv or other conditions, then he is committing offences under Section 136 of the Licensing Act 2003 and that if I took him to court and he was found guilty of such offences he could receive an unlimited fine and/or 6 months imprisonment; that's how serious it is. He had neither an Incident or Refusals Register.

When I asked when the shop was open, he said 9 am to midnight. Mr Yowhans was not aware of the condition that stated the hatch should be used after 2300. I showed him condition 24 on the Premises Licence. PC Haywood checked the hatch and confirmed it was operational. I gave my business card to Mr Yowhans and told him to ring me when the cctv was working so that we could revisit and check it. I also advised him that he should read through all his Premises Licence to ensure he was compliant with every condition.

Following receipt of a review application submitted by PC Haywood, we revisited the shop on the 12 October 2023. In accordance with the Licensing Act we attached an A4 blue notice to the nearest lamp post to the shop. This notice advises the general public that a review application has been received by the Licensing Authority, the grounds on which the application has been made and gives the contact details should any members of the public wish to make any representation. At 10:30 we entered the shop and introduced ourselves to the male behind the counter. Mr [REDACTED] explained that Mr Yowhans would not be in for another 2/3 hours. I explained about the notice outside the shop and gave him a letter addressed to Mr Yowhans. I explained that Mr Yowhans should have received the papers in relation to the review so would already know about it.

I asked if there was an Incident Register and Refusals Register. Mr [REDACTED] looked under the counter and produced 2 A5 puka pads which were loose leaf and not numbered. I checked both notebooks and there was nothing written in either of them. I explained that I had told Mr Yowhansé to purchase a Page a Day diary as then the pages would be chronologically numbered. I ripped a page out of one of the notepads and showed if it was numbered, you would be able to tell. I asked Mr [REDACTED] if he could produce the Part A of the Premises Licence; he could not. I noted that the cctv was now showing the correct time, however when PC Haywood asked if it was still in the cellar, Mr [REDACTED] confirmed it was. When PC Haywood asked if he operate the cctv system, Mr [REDACTED] replied that he could not. I told Mr [REDACTED] that Mr Yowhansé had my business card already and if he could ask him to ring me about the cctv.

As I had received no call from Mr Yowhansé, I emailed him on the 31 October 2023. Attached to the email was a warning letter detailing the number of visits to the shop and the breaches of conditions found on each occasion and the specific offences under the Licensing Act 2003.

To date I have received no communication from Mr Yowhansé.

In view of the above detailed continuous breaches of the Licensing Act 2003, it is clear that the Premises Licence Holder and Designated Premises Supervisor has failed to operate responsibly in upholding the objectives; the prevention of crime and disorder and the protection of children from harm and therefore support the review being brought by West Yorkshire Police.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing

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:

M and S 24'7 Off licence 128 Roundhay Road, Leeds,
LS8 5NA

Section 2 – Your personal details

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

Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____
-------	---------------------------------------------------------------------------------------------------------------

Surname	Patel
---------	-------

First name(s)	Chetna
---------------	--------

Address (incl postcode):

Leeds City Council, Public Health (Localities and Primary Care Team), 5th 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

Ward Councillor

Parish Council

MP

Trade Association

Other (please

specify) _____

Section 4 – Representation grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<table> <tr> <td>Prevention of crime and disorder</td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Prevention of public nuisance</td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Protection of children from harm</td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Public safety</td> <td>X</td> <td><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>The grounds of the representation is based on the following:</p>													
<p>I would like to make a public health objection to the application of M and S 24'7 Off licence 128 Roundhay Road, Leeds, LS8 5NA</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.</p> <p>Following a visit from West Yorkshire police on the 23 of August 2023. The Premises licence holder was on site at the time of the visit. West Yorkshire Police have raised concerns that the premises is selling nitrous oxide laughing gas and alcohol to under age children. At the premise 10 boxes of 6 large cannisters were found as well as sets of 10 sets of 16 balloons.</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. The postcode LS85NA was awarded an overall harm from alcohol related risk as 2 out of 107 LSOAs, putting it within the very high risk of alcohol-related harm category. 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>Protection of children from harm - This area has the extremely high count of off licenses in Leeds and is risk rated as high with a rank rating of 2. This area has the rank rating of very high; number of children under the age of 16 in Leeds District (ranked 3rd). 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. Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing (TF. Babor et al, 2017). Furthermore, the road in which is premises is on is a busy route for primary aged school children and their parents for several local childcare providers which are listed below:</p>													

- Rosewood Nursery 21 Roseville Rd, Harehills, Leeds LS8 5DT (0.2 miles away)
- Little Owls Nursery Chapeltown, Leopold Street, Chapeltown, LS7 4AW (0.2 miles away)
- Little Owls Nursery Shepherds Lane, Chapeltown Leeds LS8 5AN (0.4 miles away)
- Shepherds Lane Children's Centre, Shepherds Ln, Harehills, Leeds LS8 5AW (0.4 miles away)
- The Mosaic Centre Pre-school Leopold Street, Chapeltown, LS7 4AW (0.3 miles away)
- Sunshine Community Nursery 97 Harehills Rd, Harehills, Leeds LS8 5HS (0.4 miles away)
- Harehills Family Early Years Centre, Cowper Terrace, Harehills, Leeds LS9 7BA (0.7 miles away)
- Co-op Academy Nightingale, 9 Stanley Rd, Harehills, Leeds LS9 7AX (0.5 miles away)
- Harehills Primary school, Darfield Rd, Harehills, Leeds LS8 5DQ (0.8 miles away)
- Bankside Primary School, Shepherds Ln, Harehills, Leeds LS8 5AW (0.4 miles away)
- Hillcrest Academy, Cowper St, Leeds LS7 4DR (0.4 miles away)
- Shakespeare Primary School and Nursery Lincoln Rd, Leeds LS9 7NP (0.7 miles away)
- Dixons Trinity, Leopold Street, Chapeltown, Leeds LS7 4AW (0.2 miles away)
- Holy Rosary and St Anne's Catholic Primary School Leopold St, Leeds LS7 4AW (0.4 miles away)
- Hovingham Primary school Hovingham Ave, Harehills, Leeds LS8 3QY (0.9 miles away)

The GIPSIL - Archway Resource Centre 95 Roundhay Rd, Harehills, Leeds LS8 5AQ is also only 0.1 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. All distances above are calculated in relation to walking distances.

This area has a **medium** number of young people not in education or training; it is ranked – **26 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 37 out of 107 MSOA's**. Viewed alongside this the area has the highest number of looked after children and young people, which is **ranked very high - 7 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, which can be alcohol drinking or using nitrous oxide to get high. '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)**.

Nitrous Oxide -

The government announced a ban on sales of nitrous oxide for human consumption (non-legitimate use), two problems with nitrous oxide were identified.

- The health problem with chronic use leading to B12 deficiency and neurological impacts (nerve damage).
- The anti-social behaviour problem of recreational drug use in public areas and littering of nitrous oxide cannisters leading to communities feeling unsafe.

Nationally, nitrous oxide is the third most used drug after cannabis and powder cocaine in England and Wales (ONS, 2022). There is no national data on regional or socio-demographic variations in use but there is soft intelligence that certain communities may have higher use.

Sensitive data is restricted and therefore cannot be provided in the public domain; however, the Community Safety Performance and Intelligence Safer Stronger Communities Team have provided information below.

- **Harehills/ Harehills Corner:** identified as an area with high levels of reported issues. Almost all late evening/ overnight reports. Reports identified refer to small groups of males (usually 4 to 6 individuals) either sitting in car inhaling from cannisters, or on street causing other nuisance and using balloons or cannisters to inhale gas. These groups often causing noise nuisance and some are also smoking what is suspected to be cannabis.

- Several reports suggest ongoing issues with repeat incidents are not always being reported.

This correlates with national data which suggests Nitrous Oxide is often used by young men. The Association of Police and Crime Commissioner (APCC) Addiction and Substance Misuse leads (2023) have welcomed the ban citing the impact on public spaces and communities of anti-social behaviour. They also cite health harms including injury on roads.

Prevention of public nuisance -

Alcohol related harm hospital stays (narrow, age std. rate) are already **very high** in the area – risk ranked as **7 out of 107 MSOA's** and ambulance callouts related to alcohol are also **very high - 4 out of 107 MSOAs**. Nationally hospital admissions for nitrous oxide and solvents appear to be increasing but data was not available at the time of the Advisory Council on the Misuse of Drugs Report.

Prevention of crime and disorder -

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 illicit tobacco, alcohol, noise nuisance/environmental concerns, crime, and fear of crime. Many people worry about what their children see and experience daily.

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 M&S undermine all the hard work and commitment that is taking place to improve the area.

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; and in this case is acting irresponsibly. This area already suffers with significant violent crime, antisocial crime, ambulance callouts and alcohol admissions issues within the area which would have been likely to increase with the amount of nitrous oxide found at the premises.

To summarise, the data above shows that there are significantly higher numbers of children, vulnerable young people and those not achieving high standards of English and Maths who may seek comfort in nitrous oxide/ tobacco and alcohol. M&S have not been a responsible retailer and although suggesting this was for cakes. It is highly unlikely 10 boxes containing 6 large canisters would be used on cakes and 10 packs of 16 balloons for birthday parties.

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 nitrous oxide impacts on young people in particular young men, the vast amount of oxide nitrous and balloons found in the premises and the commitment that local organisations demonstrate to improve the area; 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: 01/12/2023

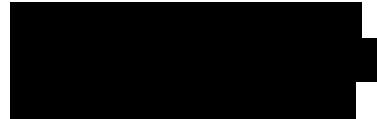


FAO: Leeds City Council's
Entertainment Licensing Team

Gipton & Harehills Ward
Labour Councillors
Councillor Arif Hussain
Councillor Salma Arif
Councillor Ashgar Ali

Civic Hall
Leeds, LS1 1UR

Civic Tel 0113 37 88811



28th Nov 2023

To Whom It May Concern,

**Subject: Licence Review, M&S 24/7 Off Licence, 128 Roundhay Road.
PREM/02712/008**

As Ward Councillors we are writing to **support** the licence review of M&S 24/7 on Roundhay Road. Roundhay Road is in the heart of Harehills sitting quite literally adjacent to people's homes, schools and 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.

It is therefore concerning that this outlet may be in breach of its licence if it is in possession of an illegal substance (nitrous oxide) with the intention of selling to the public for its wrongful purpose of inhalation for a psychoactive affect.

The government has recently acknowledged the potential damage caused by nitrous oxide by imposing a ban on the possession of the substance as part of its Anti-Social Behaviour Action Plan. The plan states that nitrous oxide is now classed as "a Class C drug controlled under the Misuse of Drugs Act 1971. This means possession of nitrous oxide, where a person intends to wrongfully inhale it for a psychoactive effect, is now an offence." [Possession of nitrous oxide is now illegal - GOV.UK](https://www.gov.uk/government/news/possession-of-nitrous-oxide-is-now-illegal) (www.gov.uk)

It has been proven that heavy, regular abuse of the drug poses significant health risks for users. These risks include anaemia and in more severe cases, nerve damage or paralysis. We are not willing to expose residents of our community to these risks.

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:

- The 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>

Against this backdrop, the idea that a business in the heart of Harehills could be operating illegally by selling a Class C drug to people of any age in the community is simply staggering.

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.

As Ward Councillors, we hope you will consider the concerns raised above and come to the decision that Harehills cannot risk having an off license selling illegal drugs of any kind.

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

Yours sincerely

Councillor Arif Hussain

Councillor Salma Arif

Councillor Asghar

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does not act as responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 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.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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Report Author: Lucy Fiddes
Tel: 0113 378 5029

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: Tuesday, 19 December 2023

Subject: Review of the Premises Licence for Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB,

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

Executive Summary

This report informs the Licensing Sub Committee that West Yorkshire Police has served on the Licensing Authority an application under Section 51 of the Licensing Act 2003 for a review of a premises licence in respect of Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB.

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

The grounds for review relate to the seizure of illicit tobacco, non-duty paid alcohol, illegal vapes and two failed test purchases, where the premises sold alcohol to persons under the age of 18 years old.

Recent applications have been made to apply additional conditions to the licence, to transfer the premises licence and to specify a new individual as designated premises supervisor (DPS).

Due to objections lodged by West Yorkshire Police the applications to transfer the licence and to change the DPS have been determined by a Licensing Sub Committee. At the time of writing, the decision is not yet available.

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

1.0 Purpose of this Report

- 1.1 This report informs Members of the Licensing Sub Committee of an application for a licence review made by West Yorkshire Police in respect of Baba Jaga 2, 12 – 14 Strathmore Drive, Harehills, Leeds, LS9 6AB. The application is made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.
- 1.2 A copy of the application can be found at **Appendix A** and includes supporting information in the form of officer statements and photographic evidence.

2.0 Background Information

- 2.1 The premises currently has the benefit of a premises licence, issued during the transitional period in November 2005.
- 2.2 On 18 October 2023 West Yorkshire Police applied to review the licence following a multi-agency operation targeting off licence premises in Harehills. Following submission, it became apparent that the application had not been signed and West Yorkshire Police were instructed to resubmit.
- 2.3 Applications to transfer the premises licence to Gusto Market Mini Ltd. and to vary the licence to specify Nabaz Ibrahim Karim as the DPS were received by the Licensing Authority on 24 October 2023. Both applications were marked to have immediate effect - the existing licence holder was Baba Jaga 2 Ltd. and the existing premises supervisor was Omar Rashka.
- 2.4 The applications to transfer the licence and to change the DPS attracted objections from West Yorkshire Police, therefore requiring the Licensing Sub Committee's consideration and determination.
- 2.5 A valid review application was served on the Licensing Authority and the statutory consultation period began on 6 November 2023.
- 2.6 On 10 November 2023 a minor variation application was submitted by the licence holder, proposing to add a number of additional conditions to the licence. One of those conditions was that Omar Rashka will be excluded from holding the licence, acting as DPS and being involved in the day-to-day running of the business. Without attracting relevant representation, the minor variation application was granted as applied for on the 25 November 2023.
- 2.7 The applications to transfer the premises licence and to change the DPS were considered by the Licensing Sub Committee on the 5 December 2023. On conclusion of the hearing all parties were advised that they would be notified of the decision within 5 working days and the outcome of those applications will be provided verbally at today's hearing.

3.0 Premises Licence

- 3.1 The premises licence holder is Gusto Market Mini Ltd.
- 3.2 A copy of the premises licence details can be found at **Appendix B** of this report. In summary, the premises licence authorises the:

Sale by retail of alcohol (for consumption off the premises)

Monday to Saturday

08:00 – 22:30

Sunday

10:00 – 22:30

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Nabaz Ibrahim Karim.

5.0 Location

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

6.0 Main Issues

6.1 A joint operation in collaboration with West Yorkshire Police, HMRC, West Yorkshire Trading Standards and Leeds City Council Licensing, resulted in the seizure of illicit tobacco, non-duty paid alcohol and illegal electronic disposable vapes from the premises.

6.2 Earlier visits to the premises resulted in two failed test purchases, where the premises sold alcohol to persons under the age of 18 years old.

6.3 The view of the applicant is that the evidence obtained demonstrate those operating the premises are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

7.0 Relevant Representations

7.1 Under the Act representations can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other persons, must not be frivolous or vexatious.

7.2 Representations in support of the review application sought by West Yorkshire Police have been received from a Senior Liaison and Enforcement Officer, on behalf of Entertainment Licensing, Public Health and the Local Ward Councillors.

7.3 Member's attention is drawn to copies of the representations at **Appendix D**.

8.0 Cumulative Impact

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

9.0 Matters Relevant to the Application

9.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives, which are:

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

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

10.0 Implications for Council Policy and Government

10.1 It is stated in the licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 11.16 of the policy with particular seriousness, including; "use of the premises for criminal activities such as the supply of drugs, money laundering or the keeping and supply of illicit goods."

11.0 Legal and Resource Implications

11.1 There are no resource implications in determining the review.

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

12.0 Recommendations

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

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

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

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

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

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

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

Appendices

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

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

The issue has now been rectified in this version.





**WEST YORKSHIRE
POLICE**

REV1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Baba Jaga 2 LTD

Number of premises licence or club premises certificate (if known) PREM/01387/004

Part 2 – Applicant details

I am Please tick ✓ yes

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

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

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

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

Surname

First names

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

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

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

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

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

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

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

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

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

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

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

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

If yes please state the date of that application

Day	Month	Year

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

Please tick ✓ Yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 30/10/23 ✓

Capacity West Yorkshire Police Licensing officer.

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

Notes for guidance

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

WITNESS STATEMENT

ENGLAND AND WALES ONLY

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

Statement of: Nicole Stoddart

URN: 88/Code/CAN/YY

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

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

Signature: ¹ Nicole Stoddart

Date: 09/10/2023

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

3

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

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

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

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

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

Date: 09/10/2023

Signature: Nicole Stoddart
(Signature of witness)Signature: Enter Name
(Signature witnessed by)

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

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

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

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

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

The duty was calculated using the following formulas:

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

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

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

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

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

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

Date: 09/10/2023

Signature: Nicole Stoddart
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

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

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

OFFICIAL

WITNESS STATEMENT

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

Statement of: Jason Lee BETHELL

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

Occupation: Illicit Tobacco officer

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

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

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

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

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

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

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

To be completed if applicable:being unable to read the above statement I,of Page 76.....
read it to him/her before he/she signed it. Signed Dated.....


Continuation Statement of: Jason Lee BETHELL

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

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

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

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

(Signed) 

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

To be completed if applicable:being unable to read the

above statement I,oPage.77.....,

read it to him/her before he/she signed it. Signed Dated.....



WITNESS STATEMENT

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


Continuation Statement of: Jason Lee BETHELL

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

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

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

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

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

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

To be completed if applicable:being unable to read the above statement I,of Page 78....., read it to him/her before he/she signed it. Signed Dated.....



WITNESS STATEMENT

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

Continuation Statement of: Jason Lee BETHELL

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

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

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

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

(Signed)



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

To be completed if applicable:being unable to read the above statement I,oPage.79..... read it to him/her before he/she signed it. Signed Dated.....

WITNESS STATEMENT

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

NICHE Ref. No:

13230521304

URN:

Statement of: PC [REDACTED] YUSUF HUSSAIN

Date of birth: Over 18

Occupation: Police Constable

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

Signature: Y.HUSSAIN

Date: 02/10/2023

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

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

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

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

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

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

I now know the seller to be:

Signature: Y.HUSSAIN

Signature witnessed by: Y.HUSSAIN

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



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

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

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

Signature: Y.HUSSAIN

MG11

Page 81
Signature Witnessed by: Y.HUSSAIN
OFFICIAL SENSITIVE (when complete)

(Revised 07-06-23)

WITNESS STATEMENT

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

NICHE Ref. No:

13230511415

URN:

Statement of: PC [REDACTED] SAMANTHA DIXON

Date of birth: Over 18

Occupation: POLICE CONSTABLE

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

Signature: S.DIXON [REDACTED]

Date: Wednesday 20TH September 2023

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

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

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

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

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

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

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

Signature: S.DIXON 5789

Page 8 Signature witnessed by:

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

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

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

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

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

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

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

Signature: S.DIXON 5789

Signature Witnessed by:

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

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

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

Signature: S.DIXON 5789

Signature Witnessed by:

OFFICIAL SENSITIVE (when complete)

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

NICHE Ref. No:

URN:

Statement of: PC Neil Haywood

Date of birth: Over 18

Occupation: PC [REDACTED]

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

Signature: N Haywood

Date: 10-10-23

Signature witnessed by: N/A

Date:

Time and date statement taken:

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

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

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

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

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

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

NICHE Ref. No:

URN:

Continuation Statement of: PC Neil Haywood

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

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

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

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

WITNESS STATEMENT

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

NICHE Ref. No:

13230521304

URN:

Statement of: PC [REDACTED] STEVEN ELLIS

Date of birth: Over 18

Occupation: Police Constable

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

Signature: S Ellis

Date: 11/10/2023

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

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

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

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

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

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

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

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

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

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

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

Signature: S Ellis

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Signature witnessed by: S Ellis

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

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

BABA JAGA 2







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Details of premises licence

For: **Baba Jaga 2**



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/01387/009

Premises the licence relates to: Baba Jaga 2, 12 - 14 Strathmore Drive,
Harehills, Leeds, LS9 6AB

Date licence first effective: 24th November 2005

Date current version effective from: 25th November 2023

Licensable activities authorised by the licence:

Sale by retail of alcohol (consumption off the premises)

Monday to Saturday	08:00 - 22:30
Sunday	10:00 - 22:30

Opening hours of the premises:

The hours of licensable activities for the premises are as above. There are no regulated opening hours for non-licensable activities.

Premises licence holder(s):

Gusto Market Mini Ltd, Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB

Designated premises supervisor:

Nabaz Ibrahim Karim

Access to the premises by children

Access to the premises by children is unrestricted

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

1. Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

5. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
 - a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
7. The above restrictions do not prohibit:
 - a. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b. the sale of alcohol to a trader or club for the purposes of the trade or club;
 8. Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

Annex 2 – Conditions consistent with the operating schedule

Conditions consistent with the operating schedule relating to the licensing objectives

9. CCTV shall be installed with recording facilities such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available within a reasonable time upon request by the police as long as the request is in accordance with data protection principles.
10. A refusals book (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:
 - The basis for the refusal;
 - The person making the decision to refuse; and
 - The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection by the Police or any other authorised person on request.

The refusal log will be checked and signed off regularly by management.

11. The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years and signage to this effect is to be prominently displayed within the premises, including the premises entrance and behind the service counter.
12. All members of staff involved in the retail sale of alcohol and other age restricted products shall be trained in the prevention of underage sales at least once every 6 months. The training must include:
 - What age restricted products are sold at the store
 - The Challenge 25 policy and what this means
 - What forms of ID the business will accept as proof of age
 - How to complete the refusals book

Details of training will be recorded in an electronic or paper record and this formation shall be made available for inspection by the Police or any other authorised person on request, with all such records being retained for at least 12 months. Training records must specify:

- The name of the trainee
- The name of the trainer
- The date the training was delivered
- The nature of the training, i.e. induction/initial or refresher

The trainee must also sign a declaration confirming that they have undertaken and understood the training. The declaration document shall be made available for inspection by the Police or any other authorised person on request and shall be retained for at least 12 months.

13. Signage will be displayed in the premises requesting that customers do not linger in the vicinity and refrain from causing any nuisance.
14. No alcohol or tobacco products will be purchased from unknown sources such as itinerant traders "cold callers" at the premises. A notice shall be displayed close to the entrance to the premises (either on a shop window or door etc) which clearly indicates that alcohol and tobacco products will not be purchased from "cold callers" visiting the premises.
15. All alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme Number for that supplier. Invoices will be retained on the premises for a minimum of 6 months and will be provided on request to a Police Officer or authorised officer of Leeds City Council with a reasonable and valid reason for doing so.
16. The Premises Licence Holder and /or the Designated Premises Supervisor will ensure that all staff are instructed and trained on the subject of illicit alcohol and tobacco products, including periodic refresher training. Records of the training will be made and kept up to date and checked on a regular basis by the Premises Licence Holder and/or Designated Premises Supervisor.
17. The individual known as Omar Rashka or any company for which he is a current director shall be excluded from holding this premises licence and Omar Rashka shall be excluded from being appointed as Designated Premises Supervisor at the premises. Omar Rashka will not be involved in the day to day running of the premises, nor will he be employed as a manager or as a member of staff at the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority






None



This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key					
Neighbouring premises					
	Applicant premises		On licence		Late night refreshment
	Off licence		Other		

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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 2, 12-14 Strathmore Drive LS9 6AB

Section 2 – Your personal details

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

Title Mr Mrs Miss Other _____

Surname **Patel**

First name(s) **Chetna**

Address (incl postcode):

Leeds City Council, Public Health (Localities and Primary Care Team), 5th 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>The representation is relevant to one or more of the following licensing objectives:</p>	<p>Prevention of crime and disorder Prevention of public nuisance Protection of children from harm Public safety</p>	<p>X <input type="checkbox"/> X <input type="checkbox"/> X <input type="checkbox"/> X <input type="checkbox"/></p>
<p>Please tick relevant box(es)</p>		
<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>The grounds of the representation is based on the following:</p>		
<p>I would like to make a public health objection to the application of Baba Jaga 2, 12-14 Strathmore Drive LS96AB.</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. LS96AB was awarded an overall harm from alcohol related risk as 18 out of 107 LSOAs, putting it within the high 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>Protection of children from harm -</p>		
<p>This area has the very high count of off licenses in Leeds and is risk rated as high with a rank rating of 6. 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 very high; it has the highest number of children under the age of 16 in Leeds District (ranked 1). 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 peer reviewed evidence, this type of environment can have a strong influence on impressionable children in low-income neighborhoods and can create low aspiration amongst this peer group. Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing (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 (0.3 miles away)
- Little Owls Nursery Harehills, Cowper Terrace, Harehills, Leeds LS9 7BA (0.2 miles away)
- Sunshine Community Nursery, 97 Harehills Rd, Harehills, Leeds LS8 5HS (0.5 miles away)
- Shepherds Lane Children's Centre, Shepherds Ln, Harehills, Leeds LS8 5AW (0.7 miles away)
- Harehills Primary School, Darfield Rd, Harehills, Leeds LS8 5DQ (0.3 miles away)
- St Augustine's Catholic Primary School, St Wilfrid's Circus, Harehills, Leeds LS8 3PF (0.4 miles away)
- Co-op Academy Nightingale, 9 Stanley Rd, Harehills, Leeds LS9 7AX (0.5 miles away)
- Co-op Academy Woodlands, Foundry Pl, Harehills, Leeds LS9 6DA (0.2 miles away)

The GIPSIL - Archway Resource Centre 95 Roundhay Rd, Harehills, Leeds LS8 5AQ) is also only 0.7 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 – **9 out of 107 MSOA's**. There is also a low level of educational attainment with a **very high** rate of pupils not achieving a strong pass in English and Maths and is **ranked 1 out of 107 MSOA's**. Viewed alongside this the area has the highest number of looked after children and young people, which is **ranked high - 9 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).

Gipton & Harehills	Tobacco complaints	Tobacco visits	Vapes complaints	Vapes visits
All years	102	75	18	23
UAS	10	41	18	12
Counterfeit	92	34	0	11
2020-21	26	11	0	0
UAS	3	8	0	0
Counterfeit	23	3	0	0
2021-22	24	31	5	1

UAS	3	15	5	1
Counterfeit	21	16	0	0
2022-23	24	14	8	4
UAS	3	3	8	1
Counterfeit	21	11	0	3
2023-24 (incomplete)	28	19	5	18
UAS	1	4	5	10
Counterfeit	27	15	0	8

Prevention of public nuisance -

Alcohol related harm hospital stays (narrow, age std. rate) are **very high** in the area – risk ranked as **14 out of 107 MSOA's** and ambulance callouts related to alcohol are also **high** - **23 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 **4 out of 107 MSOA's**, and violent crime was **very high** and ranked **9 out of 107 MSOAs**. Statistics relating to drunk and disorderly is very **high** and ranked as being **10 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 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 taking place to improve the area.

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 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.

Dr Hasantha Jayasinghe (Senior Partner)

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/ alcohol/vaping which we can see Baba Jaga provided cheap tobacco products and vapes which had liquid higher than the permitted amount. It can also have a detrimental effect on health not knowing what is contained in illicit tobacco or high strength vapes. 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 test purchases completed illustrate the premise holder is not selling alcohol and tobacco as a responsible retailer, which are undermines 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, 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 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: 01/12/2023

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/01387/008

Your Ref:

Contact: Carmel Brennand

Tel: 0113 3785029

Fax: 0113 3367124

Email: [REDACTED]

Date: 3 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 2, 12 – 14 STRATHMORE DRIVE, LEEDS, LS9 6AB

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.

This shop at this address was previously licensed under the 1964 Licensing Act and the then current owner converted to a Premises Licence in August 2005 under the new Licensing Act 2003. The hours for the sale of alcohol were 08:00 to 22:30 Monday to Saturday and 10:00 to 22:30 on Sundays.

In January 2022 applications were received to transfer the Premises Licence to Baba Jaga 2 Ltd and the new Designated Premises Supervisor to be Omar Rashka. Companies House checks revealed that Baba Jaga 2 Ltd (Co 12093950) had been incorporated on the 9th July 2019 with Mr Rashka being appointed Director on 10th November 2021. As correct paperwork was not received until March, the new Licence PREM/01387/005 was not issued until 25th March 2022 and it was this Licence that was in force on the 16th June 2023.

On the 16th June 2023 I took part in a multi-agency operation visiting shops in the Harehills area. At 1.15 pm I visited Baba Jaga 2 at 12-14 Strathmore Drive in company with colleagues from West Yorkshire Police. Officers from His Majesty's Revenue & Customs (HMRC) and Trading Standards were already on site. I spoke to the person in charge [REDACTED] as the Designated Premises Supervisor Omar Rashka was not on site.

I conducted an inspection under the Licensing Act 2003. The Part B of the Premises Licence was displayed in the shop but behind the counter only on view to staff. I explained that under Section 57 (3) (a) of the Licensing Act it must be prominently displayed so that members of the public are able to view it. When I asked for the Part A of the Licence, [REDACTED] went through a pile of paperwork under the counter but was unable to find it. It is an offence under Section 57 (2) (a) for the Premises Licence Holder not to secure the Licence or a copy of it is kept at the premises. I completed an inspection sheet giving 2 weeks for this to be complied with. [REDACTED] signed the inspection sheet and I gave him a copy of it. I advised [REDACTED] that if he was unable to find the Licence he should apply for a duplicate Licence which would cost £10.50.

The Part B of a Premises Licence is usually only 1 A4 page. It is a summary of the Licence stating the premises, the hours that the premises can carry on licensable activities as well as details of the Premises Licence Holder and the named Designated Premises Supervisor.

The Part A of a Premises Licence can be several pages and includes the same information as the Part B but also the terms and conditions which must be complied with to sell alcohol or carry on any other licensable activities. If it is not available to staff on site, how can they ensure that they are complying with all the conditions on the Licence?

I believe that officers from HMRC seized a significant amount of non-duty paid alcohol and Trading Standards seized counterfeit tobacco. Whilst we were leaving I noted that a vehicle parked outside the shop was being seized by the police.

At 11.30 am on 19th July 2023 I revisited the premises in company with PC Haywood. [REDACTED] was again on site and I asked for The Part A of the Premises Licence. He admitted that he had been unable to find it. I gave him my business card and advised him to email our Section with the request and to include his telephone number so that we could take the payment over the phone. The Part B was still not displayed prominently. I asked for the Part B and placed it above the entrance door so now visible to members of the public.

[REDACTED] or the Premises Licence Holder must have contacted our Section that same day as when I checked our systems sometime later I noted that a duplicate Licence had been paid for on the 19th July and posted out on the 8th August 2023.

West Yorkshire Police conducted test purchases at these premises on the 13th and 25th September 2023 and members of staff sold alcohol to a child on both occasions. Both these members of staff have committed an offence under Section 146 and the Premises Licence Holder and Designated Premises Supervisor and/or other managers have potentially committed offence under Section 147 of the Licensing Act 2003, namely:-

This is an offence under Sections 146 & 147 of the Licensing Act 2003 :

146 Sale of alcohol to children

(1) A person commits an offence if he sells alcohol to an individual aged under 18.

(4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—

(a) he believed that the individual was aged 18 or over, and

(b) either— (i) he had taken all reasonable steps to establish the individual's age, or

(ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—

(a) he asked the individual for evidence of his age, and

(b) the evidence would have convinced a reasonable person.

(6) Where a person (“the accused”) is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

147 Allowing the sale of alcohol to children

(1) A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.

(2) This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Due to the serious nature of these offences, PC Haywood invited Omar Rashka to Elland Road Police Station. PC Haywood and I met with Omar Rashka on the 4th October 2023. Whilst Omar Rashka admitted he was the Licence Holder and owned the shop, he stated he had been on honeymoon for the past 15 days so had not been at the shop when the sales took place.

Section 182 Guidance to the Licensing Act 2003 states:

‘the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

During the meeting Omar Rashka stated that [REDACTED] (one of his staff members who sold alcohol to a child) has been his manager for 2 years and that he holds a personal licence holder. I advised Omar Rashka that this is even more concerning as to hold a personal licence he has had to pass a BIIAB (British Institute of Innkeeping Awarding Body) exam and as such it is expected that his knowledge and understanding of his responsibilities under the Licensing Act would be higher than a person who hasn't done the course and the exam. Omar Rashka promised that this would never happen again, however as I told him, I believed that these 2 occasions were not isolated and that children have been able to buy alcohol and indeed vapes and cigarettes at his shop.

Following receipt of a review application submitted by West Yorkshire Police I attended outside the shop on the 18th October 2023. In accordance with the Licensing Act I attached an A4 blue notice to the nearest lamp post to the shop. This notice advises the general public that a review application has been received by the Licensing Authority, the grounds on which the application has been made and gives the contact details should any members of the public wish to make any representation. Whilst I attached the blue notice to a lamp post at the side of the shop [REDACTED] came outside. I gave him the letter addressed to Mr Omar Rashka and explained the notice would be in situ for 28 days and that Mr Rashka should have received a copy of the application. [REDACTED] confirmed that they had received the review application.

On the 24th October 2023 the Entertainment Licensing Section received applications to transfer the Premises Licence to Gusto Market Mini Ltd and vary the Designated Premises Supervisor to Nabaz Ibrahim Karim. Companies House shows that Gusto Market Mini Ltd was incorporated on the 18th October 2023, a day after Mr Omar Rashka received his copy of the review application and the same day I displayed the review notice outside the subject premises. Due to representations I understand these applications will be heard before the Licensing Sub Committee on the 5th December 2023.

As a result of the initial review application not being signed and deemed invalid, West Yorkshire Police resubmitted a review application on the 2nd November 2023.

On the 9th November 2023 the Entertainment Licensing Section received an application on behalf of Gusto Market Mini Ltd to minor vary the Licence to add conditions in relation to cctv, a Refusals Register, Proof of Age and staff training as well as guarantees that alcohol and tobacco products will only be purchased from reliable and traceable suppliers. There is also a condition that Omar Rashka will not be a Director of a company holding the Premises Licence, not specified as the Designated Premises Supervisor or be involved in the day to day running of the shop as either a manager or member of staff. I understand that this minor variation has been granted.

However I am concerned that these very recent applications are simply a paperwork exercise to get around the review and would ask that the Licensing Sub Committee satisfy themselves that this is not the case.

It is clear from the continuous breaches of the Licensing Act 2003 and the seizures of illicit alcohol and tobacco that Omar Rashka is not a responsible retailer. 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; the prevention of crime and disorder and the protection of children from harm and I therefore support the review being brought by West Yorkshire Police.

Yours faithfully

A solid black rectangular box used to redact the signature of Mrs Carmel Brennand.

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing

Gipton & Harehills Ward
Labour Councillors
Councillor Arif Hussain
Councillor Salma Arif
Councillor Ashgar Ali
Civic Hall
Leeds, LS1 1UR

FAO: Leeds City Council's
Entertainment Licensing Team

Civic Tel 0113 37 88811



28th Nov 2023

Dear To Whom It May Concern

Subject: Licence Review, Baba Jaga 2, 12-14 Strathmore Drive PREM/01387/008

As ward Councillors we are writing to **support** the licence review of Baba Jaga 2 on Strathmore Drive.

Strathmore Drive is in the heart of Harehills and in close proximity to the main arteries of Harehills Road and in particularly Harehills Lane, both of which are already saturated with retail outlets legally selling alcohol.

To put this into context, along Harehills Lane and Harehills Road, approximately 70% of shops are selling alcohol. These alcohol outlets sit – quite literally – adjacent to people's homes, children's schools as well as places of worship. Harehills is a densely populated neighborhood; 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>

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.

Against this backdrop, the idea that a business in the heart of Harehills could be not only operating illegally but compounding these issues by selling alcohol to underage children, as well as illicit tobacco products, 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 now includes the site of Baba Jaga 2:

<https://democracy.leeds.gov.uk/documents/g11973/Public%20reports%20pack%209th-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.

Indeed, 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; from local residents, parents and children who have to witness anti-social behaviour on their doorstep as the result of alcohol abuse to the vulnerable children who may exposure to alcohol and tobacco products that they otherwise wouldn't have access to.

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.

This latest development around the sale of illegal alcohol to children is a major concern. The following paragraphs outline the arduous journey that has been undertaken to help tackle problem drinking in adults in Harehills. To think that potentially another generation of our children could be embarking on this path because of access to illegal alcohol is frankly terrifying and cannot be allowed to happen.

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 and those wanting a safer future for themselves and their children.

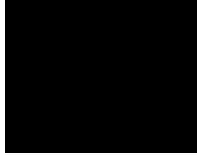
As Ward Councillors, we hope you will consider the concerns raised above and come to the decision that Harehills does not need, want or deserve an off license selling illegal alcohol and tobacco.

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

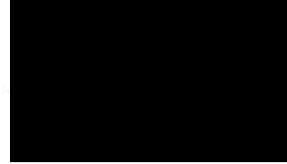
Yours sincerely



Councillor Arif Hussain



Councillor Salma Arif



Councillor Asghar Ali

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does not as responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 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.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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