

# LICENSING SUB COMMITTEE HEARING AGENDA



**Date:** Wednesday, 21st January 2026

**Time:** 10.00am

**Venue:** Council Chamber, Causeway House, Bocking End, Braintree CM7 9HB

## Membership:

Councillor I Parker
Councillor G Prime
Councillor W Taylor
Councillor R van Dulken

## Members are requested to attend this meeting, to transact the following business:-

1. **Appointment of Chairman.** To appoint a Chairman to conduct the business of this Hearing.
2. **Apologies for Absence.**
3. **Declarations of Interests.** To declare the existence of any interests relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
4. To consider an application under the Licensing Act 2003 for the review of the Premises Licence in respect of **NEWLAND STREET STORE, 28 NEWLAND STREET, WITHAM CM8 2AQ** (Report and application attached).
5. This hearing will be held in Public Session.

If you require any further information relating to this Agenda, or you wish to forward your apologies for absence, please contact the Governance Team on (01376) 552525 or e-mail [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

Dan Gascoyne  
Chief Executive

**Agenda Item: 4**

<b>Report Title:</b> Review of a Premises Licence for Newland Street Store, 28 Newland Street, Witham, Essex, CM8 2AQ	
<b>Report to:</b> Licensing Sub-Committee	
<b>Date:</b> 21 <sup>st</sup> January 2026	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> John Meddings, Principal Licensing Officer	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer <a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>	

**1. Purpose of the Report**

- 1.1 To request the Licensing Sub-Committee to determine an application for a review of the Premises Licence for Newland Street Store, 28 Newland Street, Witham, Essex, CM8 2AQ. (Appendix 1)
- 1.2 The review has been initiated by Essex County Council Trading Standards, a responsible authority under the Licensing Act 2003 ('the Act'), on the grounds of the prevention of crime and disorder.

**2. Recommendations**

- 2.1 There are no recommendations to the Licensing Sub-Committee. The Licensing Sub-Committee are required to consider and determine the review of the Premises Licence for Newland Street Store, 28 Newland Street, Witham, Essex, CM8 2AQ, submitted by Essex County Council Trading Standards.
- 2.2 That the Licensing Sub-Committee determines the application in accordance with the Licensing Act 2003, having regard to the evidence presented to it, the relevant licensing objectives of the prevention of Crime and Disorder, the Statutory Guidance issued under Section 182 of the Licensing Act, and the Council's Statement of Licensing Policy.
- 2.3 The Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objective of the prevention of Crime and Disorder. The options available to the Sub-Committee, as set out in Section 52(4) of the Act, are:
  - a) To take no action.
  - b) To modify the conditions of the Premises Licence (including the altering or omitting existing conditions or adding any condition).
  - c) To exclude a licensable activity from the scope of the Premises Licence:
  - d) To remove the Designated Premises Supervisor (DPS).

- e) To suspend the Premises Licence for a period not exceeding three months.
- f) To revoke the Premises Licence.

### **3. Summary of Issues**

- 3.1 An application for a review of the premises licence held by Mr Bahaman Omar for Newland Street Store, 28 Newland Street, Witham, Essex, CM8 2AQ was received on 24<sup>th</sup> November 2025 from Essex County Council Trading Standards (a relevant Responsible Authority).
- 3.2 The application is made on the grounds that the Licensing Objective of the Prevention of Crime and Disorder is being undermined.
- 3.3 Essex County Council Trading Standards state that their application is based on an investigation into the persistent selling and/or possession of illicit/smuggled tobacco and single use/non-compliant Vapes. The grounds for the review state that on two visits made by Trading Standards Officers to the premises on 18<sup>th</sup> August 2025 and 15<sup>th</sup> October 2025, quantities of illicit tobacco, prohibited and/or non-compliant vapes and illicit HRT were found.
- 3.4 Essex County Council Trading Standards assert that this activity amounts to criminality, specifically the sale of counterfeit tobacco, taking place at the licensed premises. An Essex County Council Officer Statement has been provided to support the review application. (Appendix 3)

### **4. Consultation**

- 4.1 The application for review was advertised in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. A notice was displayed at the premises and on the Council's website for a period of 28 consecutive days, from 25<sup>th</sup> November 2025 until 22<sup>nd</sup> December 2025, during which representations could be made.
- 4.2 During the 28-day consultation period under the Licensing Act 2003, the Licensing Authority received two representations from interested parties.
- 4.3 One representation received has requested their details remain anonymous (Appendix 4) The second representation has been received from Witham Town Council (Appendix 5). Witham Town Council have also provided additional information which comprises screen shots from Facebook. (Appendix 6)

### **5. Options**

- 5.1 The Licensing Act 2003, Statutory Guidance, and the Council's Statement of Licensing Policy require that each application is considered on its own merits.
- 5.2 Having heard the evidence; the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objective of the prevention of Crime and Disorder. The options available to the Sub-Committee, as set out in section 52(4) of the Act, are:

- To take no action: Find that no steps are appropriate to promote the licensing objectives.
- To modify the conditions of the licence: This can be done by altering, omitting, or adding any condition.
- To exclude a licensable activity from the scope of the licence: For example, removing the sale of alcohol.
- To remove the Designated Premises Supervisor (DPS).
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

5.3 The Sub-Committee are advised that modifications of conditions, exclusion of activities, and suspension may be for a particular period of up to three months or be permanent.

## **6. Section 182 Statutory Guidance and Braintree District Council's Statement of Licensing Policy**

6.1 Chapter 11 of the Section 182 Statutory Guidance ([February 2025](#)) provides guidance where a review arises in connection with crime.

6.2 Paragraph 11.24 reminds the Licensing Sub-Committee that:

*".....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..."*

6.3 Paragraph 11.26 further reminds the Sub-Committee that:

*"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".*

6.4 Paragraph 11.27 also remind the Sub-Committee that:

*"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 or storage of smuggled tobacco and alcohol."*

6.5 In addition, Paragraph 11.28 also reminds Licensing Sub-Committee that:

*“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.”*

6.6 Section 18 of the Braintree District Council Statement of Licensing Policy outlines the process for reviews, noting that the Licensing Authority may consider revocation or the imposition of conditions where licensed premises are suspected of being associated with disorder.

6.7 The Licensing Sub-Committee are also reminded of Chapter 9 of the Statutory Guidance which provides guidance on the determination of applications which contains relevant advice for determining actions which are appropriate for the promotion of the licensing objectives.

## **7. Financial Implications**

7.1 There are no direct financial implications for the Council arising from this report. The costs associated with processing the application and holding the hearing are met from existing budgets, funded by licensing fees.

7.2 Should the decision of the Sub-Committee be appealed, there would be a cost to the Council in defending the appeal in the Magistrates' Court.

## **8. Legal Implications**

8.1 The hearing is convened under Section 52 of the Licensing Act 2003 to determine an application for a review made under Section 51 of the Act.

8.2 In determining the review, the Sub-Committee must have regard to the application and any relevant representations. The determination must be one which the Sub-Committee considers appropriate for the promotion of the licensing objective, the prevention of crime and disorder.

8.3 The Sub-Committee must also have regard to the Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. See section 6 above.

8.4 The licence holder, the applicant for the review (Essex County Council Trading Standards), and any other person who made a relevant representation has a right of appeal to the Magistrates' Court against the decision of the Sub-Committee. An appeal must be lodged with the Court within 21 days of the date on which the appellant was notified of the decision.

8.6 Any action taken must be appropriate and proportionate to the promotion of the licensing objectives, and a decision to take excessive or unwarranted steps could be subject to a successful appeal

## **8. Local Government Review - Implications**

- 8.1 There are no implications for the Local Government Review arising from this report.

## **9. Local Government Review - Implications**

- 9.1 There are no implications for the Local Government Review arising from this report.

## **10. Other Implications**

- 10.1 There are no other implication for this report.

## **11. Equality and Diversity Implications**

- 11.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 11.2 There are no specific equality and diversity implications arising from this report. The Sub-Committee must consider the application on its individual merits in relation to the licensing objectives.

## **12. Next Steps**

- 12.1 Following the announcement of its decision, all parties to the hearing will receive written notification of the Decision within five working days of the hearing.

## **13. List of Appendices**

- 13.1 Appendix 1: Application for Review from Essex County Council Trading Standards.  
Appendix 2: Copy of the current Premises Licence (24/03220/LAPREM/LA).  
Appendix 3: ECC Witness Statement  
Appendix 4: Redacted Interested Party Representation  
Appendix 5: Representation received from Witham Town Council  
Appendix 6: Additional information received from Witham Town Council

## **14. Background Papers**

- 14.1 [Revised Guidance issued under section 182 of the Licensing Act 2003 \(February 2025\)](#)
- 14.2 [Braintree District Council Statement of Licensing Policy 2021](#)

**Council Use Only**

Application ref:

Premises Ref:

Licensing  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB  
01376 557790  
licensing@braintree.gov.uk

**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 Alan Richards**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 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, if none, ordnance survey map reference or description**

Newland Street Store  
28 Newland Street

**Post town** Witham

**Post code (if known)** CM8 28Q

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

Bahaman Khalid OMER

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

W5/151

**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)

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Alan Richards Essex County Council Trading Standards County Hall Market Road Chelmsford Essex County Council CM1 1QH
Telephone number (if any) [REDACTED]
E-mail address (optional) Alan.richards2@essex.gov.uk

**This application to review relates to the following licensing objective(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)

Essex Trading Standards is applying for a licence review in relation to the persistent selling and/or possession of illicit/smuggled tobacco from Newland Street Store. This review is requested based on the licensing objective:

- The prevention of crime and disorder;

The sale of counterfeit tobacco is a criminal offence under S.92 of The Trade Marks Act 1994. There are also potential labelling offences under The Tobacco and Related Product Regulations 2016 for products lacking the correct safety warnings in relation to health and also the plain standardised packaging requirements under The Standardised Packaging of Tobacco Products Regulations 2015.

Although not a Trading Standards function, the sale of duty evaded tobacco is also a criminal offence under The Customs and Excise Management Act 1979.

The keeping of smuggled goods (duty evaded) is a criminal offence under S.144 of the Licensing Act 2003.

Excerpts from the guidance under S.182 of the Licensing Act 2003

(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 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.

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

Trading Standards carry out intelligence led visits to premises suspected of supplying illicit and smuggled tobacco assisted by tobacco detection dogs.

A visit took place to Newland Street Store on 18/08/2025 when a quantity of illicit tobacco (2,040 cigarettes and 1.15kg hand rolling tobacco) was found on the premises. The tobacco was clearly UK excise duty evaded as all the packets bore foreign labels and a reasonable quantity of the tobacco was also suspected to be counterfeit.

On the 15/10/2025 during a second visit officers located 1,620 illicit cigarettes (81 packs) and 0.35kg of illicit HRT were located within an open black sports bag on the floor of the stock room. Again the tobacco was clearly UK excise duty evaded as all the packets bore foreign labels and a reasonable quantity of the tobacco was also suspected to be counterfeit.

An officer statement has been produced evidencing the above.

The review is being sought to prevent further crime and disorder occurring at the premises. It is the view of this department that the business must be seen to ensure that criminal activity does not take place on the premises and the sale of illicit tobacco by the business undermines the licensing objective of prevention of crime and disorder.

The sale of counterfeit and duty evaded products often contributes to other serious organised crime, it impacts upon fair competition for legitimate traders and can be detrimental to the local economy. Trading Standards is mindful that this criminal activity is visible to customers and local residents. This undermines the licensing objective of the prevention of crime and disorder to a significant degree

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **24/11/2025**

Capacity

**Contact name (where not previously given) and postal 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 using an e-mail address 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.

W5/151

**PREMISES DETAILS**

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

**28 Newland Street  
Witham  
Essex  
CM8 2AQ**

**Telephone number** [REDACTED]

**Where the Licence is time limited the dates**

n/a

**Licensable activities authorised by the Licence**

**The sale by retail of alcohol for consumption off the premises.**

**The times the Licence authorises the carrying out of licensable activities**

**Monday to Sunday 10:00 to 23:00**

**The opening hours of the premises**

**Monday to Sunday 10:00 to 23:00**

**Where the Licence authorises supplies of alcohol whether these are on and / or off supplies**

**Off Sales Only**

**Name, (registered) address of Holder of Premises Licence**

**MR BAHAMAN OMAR  
63 Wilson Marriage Road  
Colchester  
Essex  
CO4 0DG**

**Registered number of Holder, for example company number, charity number (where applicable)**

**n/a**

**Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

**NARY AZIZ**

**State whether access to the premises by children is restricted or prohibited**

**There is no restriction or prohibition of access to the premises by children.**

**Premises Licence**

Premises Licence number: 24/03220/LAPREM/LA W5/151

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
28 Newland Street Witham Essex CM8 2AQ	
<b>Telephone number at premises</b>	07308266076
<b>Where the Licence is time limited the dates</b>	
n/a	
<b>Licensable activities authorised by the Licence</b>	
The sale by retail of alcohol for consumption off the premises.	
<b>The times the Licence authorises the carrying out of licensable activities</b>	
Monday to Sunday 10:00 to 23:00	
<b>The opening hours of the premises</b>	
Monday to Sunday 10:00 to 23:00	

**Where the Licence authorises supplies of alcohol whether these are on and / or off supplies**

**Off Sales Only**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of Holder of Premises Licence**

**MR BAHAMAN OMAR  
63 Wilson Marriage Road  
Colchester  
Essex  
CO4 0DG**

**Telephone number:** 

**Registered number of Holder, for example company number, charity number (where applicable)**

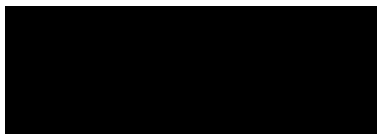
**Company number: 16059935**

**Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

**NARY AZIZ**  
  
  
  


**Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

**LN/000008726 – Colchester Borough Council**



Corporate Director

30<sup>th</sup> January 2025

Date Granted

4<sup>th</sup> February 2025

Date of Issue

## **Annex 1 – Mandatory Conditions**

### **All supplies of alcohol**

- 1. No supply of alcohol may be made under the premises 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.**

### **Age verification policy**

- 3. (1) 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.**
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
- (3) 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.**

### **The sale of alcohol below the cost of duty plus VAT**

- 4. (1) 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.**
- (2) For the purposes of the condition set out in paragraph 1 –**
  - (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 –**

$$P = D + (DXV)$$

**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 the 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” means value added tax charged in accordance with the Value Added Tax Act 1994.**
- (3) **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.**
- (4) (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**

- 1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:**
  - i) CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;**
  - ii) CCTV cameras shall cover all entrances and exits and the areas where alcohol sales take place;**
  - iii) Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;**
- 2. Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.**
- 3. Signs must be displayed at all entrances and exits advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.**
- 4. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.**
- 5. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:**
  - i) all crimes reported to the venue**
  - ii) all ejections of patrons**
  - iii) any complaints received concerning crime and disorder**
  - iv) any incidents of disorder**
  - v) all seizures of drugs or offensive weapons**
  - vi) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence**
- 6. The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.**
- 7. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.**
- 8. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.**

9. The refusals record shall either be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

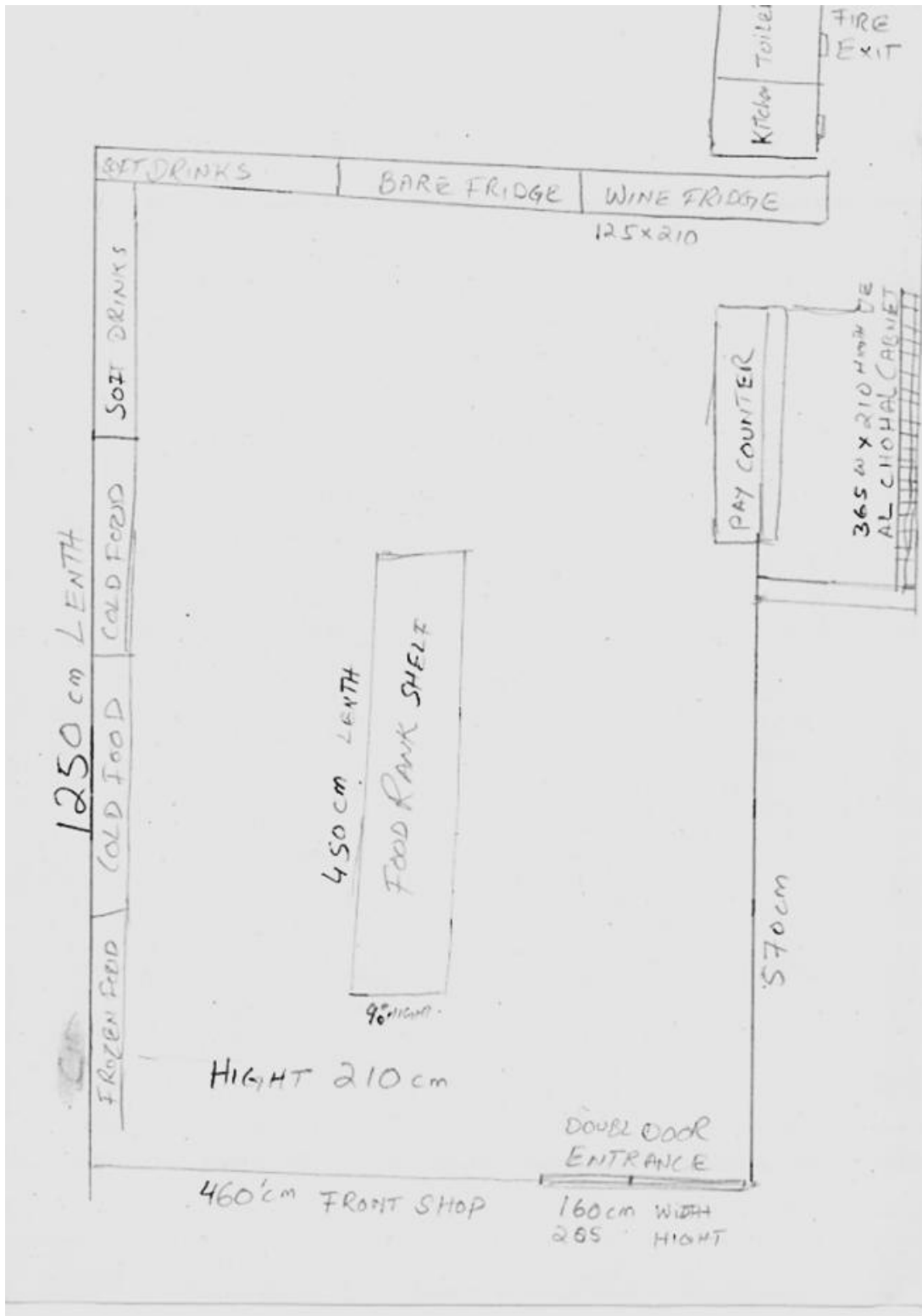
#### **THE PROTECTION OF CHILDREN FROM HARM**

10. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.
11. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
12. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
  - i) Biometric Home Office photo ID
  - ii) European National ID Card
  - iii) Ministry of Defence Form 90 (Defence Identity Card)
  - iv) Passport (UK or International)
  - v) Photo Driving Licence (UK or European)
  - vi) Proof of Age Standards Scheme (PASS) card
13. Where Home Office approved digital proof of identity or age assurance technology is in use, this condition applies only when confirming that a person is 18 years or older following a failure of that technology to do so.

**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

**None**

Annex 4 - Plans



Claimant/applicant	Essex County Council Trading Standards
Defendants/Respondents	Bahaman Khalid OMER New Land Street R Ltd

## **WITNESS STATEMENT**

I, Alan RICHARDS, employed as an Operations Manager, Trading Standards, by Essex County Council, County Hall, (CG32), Market Road, Chelmsford CM1 1QH WILL STATE AS FOLLOWS:

1. I make this statement in support of a request by Essex County Council Trading Standards to review the premises licence in place at Newland Street Store of 28 Newland Street, Witham, England, CM8 2AQ, pursuant to S.51 of the Licensing Act 2003.
2. The grounds for this review relate to the keeping of smuggled goods (illicit tobacco) on the premises.
3. Essex Trading Standards are designated as a responsible Authority under the Licensing Act 2003.
4. As part of my duties, on behalf Essex County Council, I am responsible for the prevention of criminal activities at business properties. Specifically, I have management responsibility and oversight of Trading Standards enforcement of legislation designed to prevent sales of illicit tobacco, non-compliant Vape products and preventing sales of age restricted products to persons under the age of 18.
5. This statement is derived either from my personal knowledge or from information gathered by me in my capacity as an Operations Manager, Trading Standards. Unless otherwise indicated to the contrary the matters stated are derived from complaints, business and operational records retained by Essex Trading Standards.

### **Background relating to illicit tobacco.**

6. The term 'Illicit tobacco' is an overarching description covering all tobacco types which are either:
  - a. counterfeit (purporting to be an established brand but produced without the permission of the Trade Mark holder)
  - b. 'cheap whites' (an unknown brand of tobacco produced by persons unknown, without a legitimate market and manufactured solely for smuggling purposes) and
  - c. 'duty free' (legitimate and genuine tobacco produced for and sold in low tax/duty countries and smuggled in to the UK to avoid duty payments).
7. In relation to counterfeit and 'cheap whites' the quality of the tobacco and manufacturing processes used are unregulated and unknown products may be mixed with the tobacco, so may be even more harmful to the consumer than legitimate tobacco products. They also will almost certainly not comply with the reduced ignition propensity requirements for cigarettes, i.e. cigarettes that have been modified to self-extinguish and reduce the risk of accidental fires.
8. Dependant on the product the possession, sale, supply and possession for supply of illicit tobacco can constitute various criminal offences/breaches of legislation including:
  - a. The Tobacco Products Duty Act 1979, relating to duty evasion and application of fiscal marks (enforced by HMRC)
  - b. The Tobacco and Related Products Regulations 2016 (an offence under the Consumer Protection Act 1987) for breach of safety regulations. Not carrying the general warnings required by Pt 2 of the regulations.
  - c. The Standardised Packaging of Tobacco Products Regulations 2015 – requirements as to 'plain packaging'.
  - d. The General Product Safety Regulations – not meeting the reduced ignition propensity requirements for cigarettes pursuant to Directive 2001/95/EC
  - e. Trade Marks Act 1994 (S.92) - possession of goods bearing a registered Trade Mark without the permission of the Trade Mark holder (counterfeits).

9. A person who knowingly keeps or allows to be kept smuggled goods (any goods which have been imported without payment of duty or which have otherwise been unlawfully imported) is an offence under S.144 of the Licensing Act 2003.
10. S.182 Guidance issued under the Licensing Act states that certain criminal activity in connection with licensed premises should be treated particularly seriously and this includes the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol (11.27). 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. (11.28)

### **Background on Nicotine Inhaling Products (Vapes)**

11. Single use/disposable Vape products were banned from sale in the UK from 01/06/2025 under the Environmental Protection (Single-use vapes) (England) Regulations 2024.
12. All Vape products must comply with the Tobacco and Related Product Regulation 2016 (TRPR 2016) regulations by being registered with the MHRA and comply with the requirements relating to labelling, warnings, traceability and identification of a UK importer/responsible person, limits on tank sizes and nicotine content. Non-compliant Vape products are widely available within the UK and are commonly, but not exclusively, also found in premises involved in the supply of illicit tobacco.

### **Newland Street Stores - 28 Newland Street, Witham, CM8 2AQ (hereafter referred to as ‘the premises’)**

13. A premises licence ref: W5/151, held by Bahaman Khalid OMER of 63 Wilson Marriage Road, Colchester, Essex, CO4 0DG, is currently in place at the premises.

14. There is a company associated with the running of the premises, listed at Companies House, named NEW LAND STREET R LTD Company number 16059935 with a Registered Office address of 28 Newland Street, Witham, England, CM8 2AQ, incorporated 04/11/2024.
15. The current director of NEW LAND STREET R LTD is listed as Faredon Mohammed OMAR. The premise licence holder Bahaman Khalid OMER is listed as a previous Director (resigned 03/01/2025).
16. Due to intelligence links with other premises associated with the supply of illicit tobacco products Essex Trading Standards had concerns that the premises could be similarly engaged in the supply of illicit tobacco.
17. On **11/02/2025** an officer from Essex Trading Standards attempted a test purchase of illicit cigarettes however no sale was made.
18. On **18/08/2025** Officers carried out an inspection of the premises. Officers located illicit tobacco in the rear stockroom, in a cupboard under a sink within a holdall bag. This comprised of 15 different brands and totalling 2,040 cigarettes (102 packets) and 1.15kg of hand rolling tobacco (HRT).
19. I have examined the seized tobacco and can confirm that this is a mixture of counterfeit tobacco and cheap whites. It is not in plain packaging as required by The Standardised Packaging of Tobacco Products Regulations 2015 or bearing the warnings required under The Tobacco and Related Products Regulations 2016.
20. On 18/08/2025 Officers also seized 114 prohibited single use vapes and 18 other Vapes that were not compliant with the Tobacco and Related Products Regulations 2016, (total Vapes seized 132)
21. The person in charge of the premises at the time of the visit was Mohammed OMAR (company director)
22. On **15/10/2025** officers from Essex Trading Standards were working with Police on a series of visits to premises associated with the supply of illicit tobacco (Op Machinize).

23. They visited the premises utilising a tobacco detection dog. The only occupant and staff member was identified by a residence permit as Saleem Hazmin Mohammed SALEEM (DOB 20/04/1988).
24. Officers found 1,620 illicit cigarettes (81 packs) and 0.35kg of illicit HRT were located within an open black sports bag on the floor of the stock room. This was comprised of 13 different brands. I produce a photograph of the tobacco as exhibit **AER/NSS/01**.
25. I have examined the tobacco from this seizure and can confirm that it is a mixture of likely counterfeit products (in breach of the Trade Marks Act 1994), not in plain packaging as required by The Standardised Packaging of Tobacco Products Regulations 2015 or bearing the warnings required under The Tobacco and Related Products Regulations 2016.
26. Enquiries relating to the seizures dated 18/08/2025 and 15/10/2025 are ongoing and further action is being considered.

## **Summary**

27. The above events indicate that illicit tobacco has been held for supply from the premises on two occasions. The act of continued possession for supply of illicit tobacco products following the first seizure of both illicit tobacco and Vape products on the 18/08/2025 indicates an intention to continue to supply illicit products.
28. The premises licence holder Bahaman Khalid OMER has not been present during any visits or activity at the premises.
29. The possession of smuggled goods/illicit tobacco and Vape products is in clear breach of the Licensing Act 2003 and, as a deterrent, consideration of revocation of the premises licence is requested in accordance with the S.182 guidance.

## **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or

causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature:



Date: 24/11/2025

**Alan Richards**

**Operations Manager Essex Trading Standards**



From: [REDACTED]

To: Licensing Department, Braintree District Council.

Dear Sir,

I am writing to object to the renewal of the alcohol license for No.28 Newland Street. I wrote to you earlier in the year to express concern when this licence was first being considered. I still believe this premise should not be licensed for off-sales as it remains detrimental to our residential amenity. As noted then (and all these issues have continued or become worse): "We already suffer serious issues with rowdiness and anti-social behaviour on the pavement in that immediate area (as has been reported to the police, and will be confirmed by them and the street warden, but with many incidents going unrecorded too). I have witnessed this anti-social behaviour on many occasions both in daylight and at night and in particular where the new business in question is located." Recently there has been a great increase in illegal parking outside the premises and I have also noted shabbily dressed drinkers holding cans of beer, and somewhat the worse for wear, at the nearby bus stop. As previously noted, there is plenty of provision for alcohol off-sales already in our area. Off sales from these premises are only likely to have negative impact.

Yours sincerely,

[REDACTED]

ps. Please note as previously requested can my name and address be withheld from any public document or statement and that I am only listed as "a concerned local resident with name and address supplied".



Witham Town Council  
Town Hall  
61 Newland Street  
Witham  
Essex  
CM8 2FE

**To:** Licensing Team  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

**Date:** 9<sup>th</sup> December 2025

**Subject:** Representation on Application for Review of Premises Licence – 28 Newland Street, Witham (Ref: 25/02658/LAPRER)

Dear Mr Mellini,

Witham Town Council wishes to make a representation regarding the application for review of the premises licence at 28 Newland Street, Witham, submitted by Essex County Council Trading Standards.

The Council supports the review application on the grounds of the prevention of crime and disorder. Members are aware, through public reports received by individual councillors, of allegations consistent with those described in the Trading Standards submission relating to the supply of illicit tobacco and prohibited vape products. These concerns have been echoed by local residents expressing frustration about such activity in the town centre.

In addition to the stated grounds, the Council also wishes to highlight related public nuisance and community impact concerns. Reports have been received regarding antisocial behaviour occurring outside the premises, including loitering and disturbances, which are affecting the amenity and sense of safety among nearby residents and visitors. Such issues, if linked to the operation of the premises, would further undermine compliance with the licensing objectives.

Finally, the Council notes the negative impact on legitimate neighbouring businesses, which are operating within the law. Unlawful trading activity of the kind alleged creates unfair competition and damages efforts to maintain a safe, fair, and welcoming commercial environment within Witham town centre.

For these reasons, the Council supports the review request and asks that the Licensing Authority give careful consideration to the potential revocation or robust modification of the premises licence.

Yours faithfully,





Nikki Smith  
Town Clerk and Responsible Financial Officer  
On behalf of Witham Town Council  
townclerk@witham.gov.uk | 01376 520627 | witham.gov.uk





**Witham Community Group**



· 4h · 



1



16



1

4h Like Reply



Interested also

4h Like Reply

2



Sainsburys

2h Like Reply

1



The shop just past the chicken shop opposite the job centre apparently does

3h Like Reply

1



Nickname Yellow shop next to Greggs ...

2h Like Reply



Anonymous participant All these oepole stupidly owning up to illegally selling tobacco, expect a visit soon



2h Like Reply



Write a public comment...



1

Most relevant

I know a shop but don't want to broadcast it xx

1h Like Reply

Tesco.morrison's.petrol stations.corner shops

1h Like Reply 2

Rising contributor Shop next to favourite chicken, £18 for 50g

3h Like Reply

All-star contributor A shop that's licenced to sell it i would guess

1h Like Reply

Nickname Proof witham is full of 'do as you likeys'

26m Like Reply 1

Messaged you mate

Write a public comment...

## **HEARING PROCEDURE FOR APPLICATIONS TO REVIEW A PREMISES LICENCE**

### **1. Welcome and Introduction**

- [1] The Chairman welcomes the people who are present and introduces the Members of the Sub-Committee. They will ask the Members to confirm whether they have any declarations of interest they wish to make in respect of the application.
- [2] The Chairman asks the Applicant, Interested Parties and the Premises Licence Holder to introduce themselves.
- [3] The Chairman confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

### **2. The Applicant's Case**

- [1] The Chairman asks the Applicant or their representative to present the application for the review.
- [2] The Applicant or their representative may then call any witnesses and/or give evidence in support of the application.
- [3] The Premises Licence Holder or their representative may question the Applicant and any witnesses.
- [4] Interested Parties (each in turn) or their representatives may put questions to the Applicant and any witnesses
- [5] The Chairman or any Member of the Sub-Committee may question the Applicant and any witnesses.
- [6] If there are any witnesses, the Applicant or their representative will be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

### **3. The Interested Parties Case**

- [1] The Interested Parties will give their reasons for making representations to the application.
- [2] The Interested Parties (or their representative) will then call any witnesses in support of their representation.
- [3] The Applicant (or their representative) may put questions to the Interested Parties and any witnesses.
- [4] The Premises Licence Holder (or their) representative may put questions to the Interested Parties and any witnesses.
- [5] Members of the Sub- Committee may put questions to the Interested Parties and any witnesses.

- [6] The Interested Parties (or their representative) will then be given a final opportunity to ask any further questions of any witnesses to clear up any points raised in the earlier questioning.

#### **4. The Premises Licence Holder's Case**

- [1] The Premises Licence Holder will give their response to the application.
- [2] The Premises Licence Holder may then call any witnesses and/or give evidence in support of their response.
- [3] The Applicant or their representative may question the Premises Licence Holder and any witnesses.
- [4] Interested Parties (each in turn) or their representatives may put questions to the Premises Licence Holder and any witnesses.
- [5] The Chairman or any Member of the Sub-Committee may question the Premises Licence Holder and any witnesses.
- [6] If there are any witnesses, the Premises Licence Holder will be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

#### **5. Closing Statements**

- [1] The Premises Licence Holder may summarise any points they wish to make and comment briefly on replies to questions. They cannot introduce new issues.
- [2] The Interested Parties (each in turn) may summarise any points they wish to make and comment briefly on replies to questions. They cannot introduce new issues.
- [3] The Applicant may summarise any points they wish to make and comment briefly on replies to questions. They cannot introduce new issues.
- [4] The Chairman will ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is adjourned. The Sub-Committee will retire to a separate room with the Legal Adviser and the Governance Officer to deliberate.
- [5] If the Legal Adviser gives legal advice to Members of the Sub-Committee during the period of adjournment this advice will be repeated in summary form when the hearing reconvenes.

#### **6. Decision Making**

- [1] The Chairman will announce the Sub-Committee's decision. A written formal notice will be issued within 5 working days of the hearing.

- [2] The Chairman will notify the parties of the rights of appeal to the Magistrates Court should any party disagree with the decision. Such an appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.
- [3] Close the Hearing of the Licensing Sub-Committee.