



## Decision Notice – Licensing Review Hearing

MEMBERS PRESENT:	Councillor I Parker (Chairman) Councillor W Taylor Councillor R van Dulken
PREMISES:	Newland Street Store 28 Newland Street, Witham, Essex CM8 2AQ
PREMISES LICENCE HOLDER	Mr Bahaman Omar
APPLICANT:	Mr Alan Richards, Essex County Council Trading Standards
DATE OF HEARING:	Wednesday, 21st January 2026
DATE OF NOTICE:	Wednesday, 28th January 2026

The Licensing Sub-Committee has considered the application by the Responsible Authority, Essex County Council Trading Standards for a review of the Premises Licence for Newland Street Store, 28 Newland Street, Witham, Essex CM8 2AQ.

The Licensing Sub-Committee has read the material presented to it and it has considered all the evidence and submissions made during the Hearing.

In considering the provisions of Section 52 of the Licensing Act 2003, the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (issued November 2025) and Braintree District Council's Statement of Licensing Policy, the Licensing Sub-Committee has decided to **REVOKE** the Premises Licence for the above premises.

### Preliminary Notes

Mr Alan Richards attended the Hearing on behalf of Essex County Council Trading Standards and Mr Bahaman Omar attended as the Premises Licence Holder together with his representative Mr Rizwan Abbas. Witham Town Council and a member of the public (who has requested anonymity) were not represented at the Hearing, but their written representations submitted during the statutory consultation period were considered by the Licensing Sub-Committee.

At the commencement of the Hearing, Mrs E Wisbey the Council's Governance and Legal Manager advised those present that Mr R Power the Council's Senior Litigation Officer who was present at the Hearing as part of his training was a former employee of Essex County Council Trading

Standards and that the applicant's representative (Mr Alan Richards) was known to him.

The parties were advised that Mr Power's role was to provide legal support to the Licensing Sub-Committee, but that he would not be determining the application as this was the responsibility of the elected Members of the Licensing Sub-Committee. No concerns were raised by any parties to the Hearing.

Reasons for Decision:

The Licensing Sub-Committee has considered the application by Essex County Council Trading Standards for the review of the Premises Licence in accordance with Section 52 of the Licensing Act 2003. The application has been made on the grounds that the licensing objective of the prevention of crime and disorder is being undermined. During public consultation two representations had been received. No representations had been received from other Responsible Authorities.

The application by Essex County Council Trading Standards was as a result of their investigation into activities at the premises in respect of illicit tobacco, including the persistent selling and/or possession of illicit/smuggled tobacco and single use/non-compliant vapes and offences under Section 144 of the Licensing Act 2003 regarding the keeping of smuggled goods.

The grounds for the review stated that on two visits made by Trading Standards Officers to the premises on 18th August 2025 and 15th October 2025, quantities of illicit tobacco, prohibited and/or non-compliant vapes and illicit hand rolling tobacco were found. Essex County Council Trading Standards assert that this activity amounts to criminality, specifically the sale of counterfeit tobacco, taking place at the licensed premises.

The options available to the Sub-Committee, as set out in Section 52(4) of the Act, were:

- a) To take no action.
- b) To modify the conditions of the Premises Licence (including altering or omitting existing conditions, or adding a condition).
- c) To exclude a licensable activity from the scope of the Premises Licence.
- d) To remove the Designated Premises Supervisor.
- e) To suspend the Premises Licence for a period not exceeding three months.
- f) To revoke the Premises Licence.

The Licensing Sub-Committee has had regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (November 2025) and particularly the following paragraphs.

Paragraphs 9.42 and 9.43 of the Statutory Guidance state that Licensing Authorities are best placed to determine what actions are appropriate for

the promotion of the licensing objectives; all licensing determinations should be considered on a case by case basis and that representations submitted should be taken into account. The Licensing Authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

In addition, paragraph 9.44 of the Statutory Guidance states that the determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end and that the Licensing Authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

The Licensing Sub-Committee has also had regard to Chapter 11 of the Statutory Guidance in particular paragraphs 11.24, 11.26, 11.27 and 11.28.

Paragraph 11.24 states 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..."*

Paragraph 11.26 states 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."*

Paragraph 11.27 states 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."*

Paragraph 11.28 states 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."*

The Licensing Sub-Committee notes that Section 18 of Braintree District Council's Statement of Licensing Policy outlines the process for reviews and that the Licensing Authority may consider the revocation of a Licence, or the imposition of conditions where licensed premises are suspected of being associated with disorder.

In considering this application for a review of the Premises Licence, the Licensing Sub-Committee has had regard to the submissions made at the Hearing by the Applicant and the Premises Licence Holder and his representative. The Sub-Committee has also considered the written representations of two interested parties who were not in attendance, namely Witham Town Council and a member of the public (who has requested anonymity).

The premises, Newland Street Store, 28 Newland Street, Witham is a convenience store/off-licence located in a parade of shops within a part commercial/part residential area in the centre of Witham. There are other business premises in the vicinity including three Public Houses and hot food retailers, together with residential properties and a public building.

The Premises Licence was granted by the Council on 30<sup>th</sup> January 2025 to Mr Bahaman Omar of 63 Wilson Marriage Road, Colchester.

Essex County Council Trading Standards had brought the review of the Premises Licence due to criminal activities which had taken place at the premises, namely 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 18th August 2025 and 15th October 2025, quantities of illicit tobacco, prohibited and/or non-compliant vapes and illicit hand rolling tobacco were found. Two witness statements relating to test purchases carried out at the premises had been submitted by Essex County Council Trading Standards and these were considered by the Licensing Sub-Committee.

The Licensing Sub-Committee has not received any written documentation from the Premises Licence Holder in response to the application for the review. All other information presented on behalf of the Premises Licence Holder was by way of oral submissions at the Hearing.

In listening to the submissions from both the Applicant and the Premises Licence Holder (or by his representative), the Licensing Sub-Committee was concerned with the level of involvement the Premises Licence Holder has in the operation of the business.

The Licensing Sub-Committee was advised by Mr Rizwan Abbas, the Premises Licence Holder's representative, that Mr Bahaman Omar usually visited the premises once a month as he had to travel to Witham from Colchester and that he had not been aware of the test purchases that had been carried out at the premises by Essex County Council Trading Standards until he had received notification from Trading Standards following their visit in October 2025.

The Licensing Sub-Committee was concerned to be advised that Mr Omar was not in control of the premises on a day to day basis. Whilst the Premises Licence had been granted to Mr Omar in his personal capacity, the Licensing Sub-Committee was concerned that he had resigned as a Director of New Land Street R Ltd on 3rd January 2025 just before the Premises Licence had been granted in his name and that Mr Omar had ceased his involvement in the business in March/April 2025.

In response to the Sub-Committee's questions, it was established that Mr Omar had ceased his involvement following a disagreement, which had led to his resignation from the company (New Land Street R Ltd) as a company director, but that he had continued his involvement in the business until March/April 2025. The Sub-Committee was also advised that Mr Omar held the lease of the premises and the Premises Licence. Mr Omar advised the Sub-Committee also that he had sub-let the premises to the company New Land Street R Ltd. Mr Omar explained that he did not have a financial interest in the company and that his interest was limited to the Premises Licence and the lease.

The Licensing Sub-Committee was concerned that an application for a review had been submitted within the first year of the Premises Licence on the ground that activities at the premises were undermining the licensing objective of the prevention of crime and disorder due to criminal activities at the premises.

It was noted by the Licensing Sub-Committee, that on 11th February 2025 two weeks after the grant of the Premises Licence, Essex County Council Trading Standards had attended the premises to carry out an enforcement visit based on intelligence received, and to carry out a test purchase for illicit tobacco. On that occasion there was no sale. However, a test purchase on 21st May 2025 had resulted in the sale of illicit tobacco. It was further noted that within nine months following the grant of the Premises Licence there had been two significant seizures by Essex County Council Trading Standards of illicit tobacco from the premises, which took place on 18th August 2025 and 15th October 2025. It was noted by the Sub-Committee that since the grant of the Licence, there had been five visits to the premises by Trading Standards, including attending the property with a specialist tobacco detection dog. On a visit to the premises on 4th December 2025 there had been no sale.

The Licensing Sub-Committee was concerned to hear that as part of his submission Mr Omar's own representative described his involvement with the premises as being absent and that the events involving illicit tobacco were due to his negligence.

It was noted that Mr Abbas had apologised on behalf of the Premises Licence Holder for the previous incidents involving illicit tobacco which had taken place and he gave an assurance that they would not be repeated. Mr Abbas requested that the Premises Licence should not be revoked and he asked the Licensing Sub-Committee to impose a warning or a penalty. It was further noted by the Licensing Sub-Committee of the concerns

expressed on behalf of the Premises Licence Holder about the damage a revocation of the Licence may have on the reputation of those involved in the business and the impact on the viability of the business.

Whilst the Licensing Sub-Committee has listened to the apologies of the Premises Licence Holder and his representative, it considers that no credible evidence has been offered which persuades it that there are management measures in place, or that will be put in place, to promote the licensing objective of the prevention of crime and disorder.

Following statements made at the Hearing, it has been established that Mr Omar has been remote from the management of the business and the Licensing Sub-Committee was concerned about this. It has also been stated at the Hearing by Mr Omar's representative, that Mr Omar only visited the premises once a month and that he had to travel from Colchester to do so. The Licensing Sub-Committee does not consider the distance between Colchester and Witham to be excessive, or to be an obstacle to more frequent visits to the premises to ensure its management in compliance with the Premises Licence and that the premises is not operated in such a way to undermine the licensing objectives.

The Licensing Sub-Committee was concerned, that in response to questions Mr Omar was unsure of the name of the Designated Premises Supervisor for the premises and he was not forthcoming with information in relation to those who worked at the premises, demonstrating further to the Sub-Committee that he was not involved in the premises. The Sub-Committee does not accept that a Premises Licence Holder, who had proper control over the premises and the operation of the Premises Licence would have difficulty in recalling the name of the person they had appointed to be their Designated Premises Supervisor.

Mr Omar has informed the Licensing Sub-Committee that he only became aware of the issues affecting the premises upon receipt of a notification from Essex County Council Trading Standards following their enforcement visit to the premises in October 2025, this being the second visit where there was a significant seizure of illicit tobacco. This raises further concerns with the Licensing Sub-Committee as to who has proper control over the premises.

The Sub-Committee was concerned to hear that Mr Omar's involvement with the store was described by his representative as absent and negligent. The Licensing Committee was concerned that Mr Omar's responses to questions were vague and were not sufficiently detailed demonstrating that he was not in control of the premises and that Mr Omar had not fulfilled his responsibilities, nor understood his responsibilities as the Premises Licence Holder.

The Licensing Sub-Committee was concerned that Mr Omar was the Premises Licence Holder in name only and that he had no real interest beyond holding the lease and the Premises Licence, in the control and management of the premises.

No information was provided to the Sub-Committee which would enable them to consider how the premises would be operated differently in future, other than statements on behalf of the Premises Licence Holder that they could not deny their involvement with illicit tobacco and would not allow future sales of illicit tobacco to take place and would attend the premises two to three times per week. Mr Abbas on behalf of the Premises Licence Holder requested that a warning be issued as there was concern about the impact of a revocation of the Licence on the reputation of the business and all those involved. No explanation was provided as to how the premises would operate to promote the licensing objective of the prevention of crime and disorder.

In the absence of information and from the explanations given during the Hearing, the Licensing Sub Committee is not persuaded that anything will change with respect to the management of the premises in order to curtail criminal activity and it is evident to the Sub-Committee that the Premises Licence Holder has neglected his responsibilities for the premises and he has failed to put arrangements in place to ensure that the premises operate in accordance with the Premises Licence. The Licensing Sub-Committee is satisfied that there is no overall control of the premises, that there is a serious lack of oversight and that the licensing objective of the prevention of crime and disorder is being undermined.

The Licensing Sub-Committee has considered all options available to it and it has had regard to the guidance in respect of reviews arising in connection with crime. In particular, the Licensing Sub-Committee has considered whether it could impose conditions on the licence. However, it considers that conditions would not be adequate to overcome the seriousness of the activities which have resulted in the review of this Premises Licence and conditions should not be necessary to ensure that the premises are not used for, or involved in criminal activities. The suspension of the Premises Licence is also not considered to be appropriate as the issues at the premises are considered to be serious.

The Premises Licence Holder has not demonstrated to the Licensing Sub-Committee that he deals with matters involving criminality robustly and he has failed to manage the premises to ensure that criminal activities do not take place. The Licensing Sub-Committee considers that revocation of the Premises Licence is proportionate to promote the licensing objective of the prevention of crime and disorder in the interest of the wider community.

End of Decision.

The decision of the Licensing Sub-Committee in respect of this review does not have effect until the period given for appealing against the decision has expired, or if the decision is appealed against, until the appeal is disposed of.

The appeal period is 21 days from the date of the Decision Notice.

If no appeal is made, the decision of the Licensing Sub-Committee takes effect on the expiry of the appeal period.

Notice of the decision has been given to the following:

- The Premises Licence Holder
- The Applicant
- The Chief Officer of Police.

### Right of Appeal

If you wish to appeal against the Council's decision you must do so in writing to the Magistrates' Court within 21 days of being notified in writing of the Council's decision. A fee must be paid to the Magistrates' Court and your application should be marked 'Pre-Court' and sent to the:-

Chelmsford Magistrates' Court  
Court Administration Centre  
P.O. Box 10754  
Chelmsford  
Essex  
CM1 9PZ

Telephone: [03308 084 407](tel:03308084407) .  
Email enquiries: [contactcrime@justice.gov.uk](mailto:contactcrime@justice.gov.uk)

For further guidance on appeals to the Magistrates' Court please contact the Magistrates' Court or seek independent legal advice.