

REPORT: Regulatory Sub-Committee

DATE: 13 November 2025

REPORTING OFFICER: Director – Legal and Democratic Services

PORTFOLIO: Resources

SUBJECT: Application to Review a Premises Licence –
Todays Extra, 78 Albert Road, Widnes,
WA8 6JT

WARDS: Appleton

1. PURPOSE OF REPORT

To assist the Members of the Regulatory Sub-Committee in their consideration of an application brought by Home Office Immigration Enforcement to Review the Premises Licence for Todays Extra, 78 Albert Road, Widnes.

2. RECOMMENDATION that

The Sub-Committee considers the contents of the report and makes a determination on the application.

3. BACKGROUND INFORMATION

- 3.1 An application has been made by Home Office Immigration Enforcement to Review the Premises Licence for Todays Extra, 78 Albert Road, Widnes.
- 3.2 The review was requested by Home Office Immigration Enforcement on the 20th August 2025 and pursuant to Section 51 of the Licensing Act 2003 on the grounds that the premises has undermined the licensing objective of the prevention of crime and disorder.
- 3.3 The premises licence was granted on the 18th January 2021 with Red Cherry Retail Limited being the Premises Licence Holder. On the 19th June 2025 the premises licence was transferred to the current licence holder, Diamond 8 Retail Limited.

4. THE APPLICATION

- 4.1 The application to review the premises licence for Today's Extra, 78 Albert Road, Widnes was submitted on the 20th August 2025, a copy of the application can be found at **Appendix A** of this report.
- 4.2 A copy of the current premises licence can be found at **Appendix B** of this report.
- 4.3 Officers have undertaken checks on Companies House, at the time of writing this report, and can confirm that both the previous premises licence holder (Red Cherry Retail Ltd) and the current Premises Licence Holder Diamond 8 Retail Limited are both active. The DPS is Dinesh Fernando and it is the Home Officer's case that he has connections to both of these companies.

5. REQUIREMENT FOR A HEARING

- 5.1 The review application was received on the 20th August and was sent to all the Responsible Authorities on the 21st August 2025 with the closing date for comments or representations of the 18th September 2025.
- 5.2 The required notices advertising the review were displayed on the Premises, Councils Website and at the Council Offices on the 21st August 2025.
- 5.3 The review application states as follows.

We have grounds to believe the license holder had failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of the licensing applications made in England and Wales on or after the 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires the Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor

(DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevent of immigration crime including illegal working. Please refer to accompanies review pack for detailed information.

- 5.4 As part of the review submissions on the 20th August 2025, Home Office Immigration Enforcement provided the following supporting documents.
- A case summary,
 - Licensed premises history,
 - Enforcement visit dated 4th April 2024,
 - Enforcement visit dated 18th July 2025,
 - Reason for review,
 - Outcome sought,
 - Appendix – supporting evidence.
- 5.5 The case summary states that the Home Office Immigration Enforcement visited the premises on the 18th July 2025 for a second time where one illegal worker was encountered.
- 5.6 The case summary also states that the premises was also visited on the 4th April 2024 (three illegal workers). Illegal working has been a constant theme throughout the two visit, there have been a total of four illegal workers encountered at the premises.
- 5.7 The Case Summary outlines a civil penalty notice for the sum of £120,000 was issued to Red Cherry Retail Ltd on the 7th May 2024 for employing two individuals who had no right to work in the UK and for employing a third in breach of visa restrictions. Red Cherry Retail Ltd, objected to the penalty, the case has been reconsidered twice but the penalty remains at the same level.
- 5.8 A formal instalment plan has not been arranged, some payments have been made, the most recent payment being made on the 6th August 2025, the balance remains at £110,000.
- 5.9 Red Cherry Retail Ltd have applied to be compulsory struck off from Companies Houses on 24th September 2024, the Civil Penalties Team have objected to this and the application was suspended. Red Cherry Retail Ltd then applied to be struck

off again on the 1st July 2025 but again the Civil Penalties objected to this and this application has been suspended, this application was discontinued on the 19th July 2025

- 5.10 A copy of the review application can be found at **Appendix A** of your report.
- 5.11 A copy of the supporting documents provided by the Home Office Immigration Enforcement on the 20th August 2025 can be found at **Appendix C** of your report.
- 5.12 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 5.13 The hearing is held to consider the application to review the premises licence and the relevant representations received.. These are the representations made by Cheshire Police, Cheshire Fire, and One Ward Councillor.
- 5.14 At the time of writing this report I have not received any indication from the Cheshire Police, Cheshire Fire, or the Ward Councillor, if they will be making any submissions to the Sub-Committee at the hearing. All parties have all been informed of the hearing.

6. THE REPRESENTATIONS

6.1 RESPONSIBLE AUTHORITIES

Relevant representations have been received from Cheshire Fire, Cheshire Police, and One Ward Councillor.

Cheshire Police

Cheshire Constabulary supports the Home Office Immigration Review application which seeks revocation of the premises licence. They advise that, in addition to the immigration offences, they identified breaches of the licence conditions regarding CCTV requirements during their compliance visit on 18 July 2025. This also undermines the prevention of crime and disorder objective.

Attached at **Appendix D** is a copy of the supporting documentation submitted on behalf of Cheshire Police.

Cheshire Fire

Relevant Representations have been received from Cheshire Fire on the grounds of Public Safety. In particular, there appears to be a prohibition notice issued against the premises and Cheshire Fire has concerns that this will be breached in light of the immigration findings. Public Safety objective has not been adequately addressed, attached at **Appendix E** is copy of the objection.

Ward Councillor

One representation was received from a Ward Councillor in support of the withdrawal of the premises licence on the grounds of crime and disorder, namely failing to act in accordance with the Licensing Act/not operating within the law on information from the Home Office.

Attached at **Appendix F** is a copy of the objection.

7. EVIDENCE

In accordance with the normal procedure, it is noted that the relevant representations do not amount to evidence. The objectors have been requested to supply the evidence they intend to rely on no later than 5 working days prior to the hearing. When received this will be forwarded to the applicant and members of the committee.

8. LEGAL AND POLICY FRAMEWORK

- 8.1. The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:
 - The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public Safety;
 - The protection of children from harm.
- 8.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 ("the Guidance") and the Council's Statement of Licensing Policy ("Policy").
- 8.3. Relevant sections from the Guidance can be found at **Appendix G**.

9. OPTIONS

9.1 The Sub-Committee has the following options under Section 52 of the Act;

- (1) To modify the conditions of the premises licence,
- (2) To exclude licensable activity from the scope of the licence,
- (3) To remove the designated premises supervisor,
- (4) To suspend the licence for a period not exceeding 3 months,
- (5) To revoke the licence.

10. POLICY IMPLICATIONS

10.1 None

11. FINANCIAL CONSIDERATIONS

11.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the Magistrates' Court. If an appeal is made, there will be costs associated with this.

12. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

12.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence

None

12.2 Building a Strong, Sustainable Local Economy

None

12.3 Supporting Children, Young People and Families

None

12.4 Tackling Inequality and Helping Those Who Are Most In Need

None

12.5 Working Towards a Greener Future

None

12.6 Valuing and Appreciating Halton and Our Community

None

13. RISK ANALYSIS

- 13.1. The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is acting in breach of its obligations under that Act.

14. EQUALITY AND DIVERSITY ISSUES

- 14.1 There are no equality and diversity issues to highlight.

15. CLIMATE CHANGE IMPLICATIONS

- 15.1 There are no climate change implications since the decision will have no effect on the environment.

16. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	Kim Hesketh