

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Thursday, 13 November 2025 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Begg and Fry

Apologies for Absence: None

Absence declared on Council business: None

Officers present: M. Hope, K. Hesketh, E. Philpott and C. Harrison

Also in attendance: Mr. S. Selvaratnam (DPS) and one member of the public

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

REGS5 MINUTES

The minutes of the meeting held on the 14 July 2025 and 28 August 2025, having been circulated, were signed as a correct record.

REGS6 APPLICATION TO REVIEW A PREMISES LICENCE - TODAYS EXTRA, 78 ALBERT ROAD, WIDNES, WA8 6JT

This was the formal notification of a decision made by Halton Borough Council's Regulatory Sub-Committee at a hearing held under the Licensing Act 2003 ("the Act") on 13 November 2025 in the Boardroom at Municipal Building at 9:30am.

The hearing was held to hear an application made by Home Office Immigration Enforcement ("the Applicant") under Section 51 of the Act to review a premises licence at Todays Extra, 78 Albert Road, Widnes, WA8 6JT ("the Premises"). The hearing was triggered by a review application submitted by Home Office Immigration Enforcement and representation from Cheshire Police, Cheshire Fire and One Ward Councillor.

In attendance were:-

- 1) Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace (“Chair”), Cllr Victoria Begg and Cllr Mike Fry (collectively referred to as “the Sub-Committee”);
- 2) Andrew Halliwell – Home Office;
- 3) Lesley Halliday and Hollie Durkin – Cheshire Constabulary;
- 4) Kath Harkin – Cheshire Fire;
- 5) Councillor Philbin – Ward Councillor for Appleton;
- 6) Duncan Craig and Ian Rushton on behalf of the Premises Licence Holder namely Diamond 8 Retail Ltd;
- 7) Kim Hesketh – Licensing Manager; and
- 8) Malcolm Hope – Legal Advisor.

After the Chair had introduced the parties, the Legal Adviser outlined the procedure to be followed.

DETAILS OF THE APPLICATION

The application was for a review of the premises licence submitted by Home Office Immigration Enforcement on the grounds that the premises had undermined the licensing objective of the prevention of crime and disorder. Application submitted by Home Office Immigration (Appendix A and supporting information Appendix C).

The application was supported by representations submitted by Cheshire Constabulary (Appendix E), Cheshire Fire (Appendix E) and one Ward Councillor (Appendix F), details of the representations were detailed in the report.

THE HEARING

The Licensing Manager, Ms Hesketh summarised the contents of the report, referring to the appendices which included the review application (Appendix A), the premises licence for Today's Extra (Appendix B), the Premises Licence Review which included Case Summary, Licensed Premises History, Enforcement Visit: 4 April 2024, Enforcement Visit: 18 July 2025. Reasons for Review, Outcome Sought and Appendix Supporting Evidence (Appendix C), Cheshire Constabulary Representations which included supporting evidence (Appendix D), Cheshire Fire Representations (Appendix E), Ward Councillor Representation (Appendix F) and relevant sections of the Revised Guidance issued under section 182 of the Licensing Act 2003 (Appendix G) (“the Statutory Guidance”).

Ms Hesketh confirmed that since the report had been published, an application to Vary the Designated Premises Supervisor application had been submitted by Mr Rushton on behalf of the premises, the application was submitted on the 27 October 2025 with the last date for any representations being the 11 November 2025. Ms Hesketh confirmed that the only responsible authority who can object to the application was Cheshire Constabulary who did not submit any objections to the application but they would address their concerns when they presented their case.

Ms Hesketh also provided an update on the supporting information provided by Mr Rushton on the 12 November 2025 and confirmed that the three emails received from Mr Rushton had been sent to the members of the Sub- Committee and all relevant parties. All parties confirmed they had received the supporting documentation.

HOME OFFICE IMMIGRATION ENFORCEMENT

Mr Halliwell explained that the premises had been visited on two separate occasions where there was in total of 4 illegal workers at the premises, during both visits to the premises the Designated Premises Supervisor, Mr Dinesh Fernando was present.

The Officer provided further details which was included with the case summary which was included at Appendix C of the report pack, and further information relating to the civil penalty notice which had been issued to Red Cherry Retail Limited, which currently remained at £107,000. The Officer confirmed that another civil penalty notice had been issued to Red Cherry Retail Limited for the sum of £45,000 and this was in relation to the enforcement visit on 18 July 2025. Red Cherry Retail Limited refused to accept this civil penalty notice and the remaining outstanding balance was £152,000.

Questions were asked to the Home Office Officer who provided the answer where they were able to provide the answers to the questions.

CHESHIRE CONSTABULARY

Officers from Cheshire Constabulary provided information following a visit to Todays Extra on the 18 July 2025. During the visit they encountered problems with the CCTV on the premises and tried to gain access by speaking

to members of staff, who were unable to assist. They spoke to Mr Fernando on the telephone who was also unable to provide the password to the CCTV. Officers eventually they gained access to the CCTV system but felt they were being obstructed. They also believed that submitting an application during the review process added additional complications to the matter. Officers again visited the premises on the 11 November 2025, where the new Designated Premises Supervisor (DPS) was not present at the premises. Staff at the premises were aware there was a new male at the premises but was not sure in what capacity. Officers also noted that there was a number of documents removed from the premises which was concerning. Officers referred to the documents provided by Mr Rushton on the 12th November to support Today's Extra review application that there was also a number of outdated documents and information.

Questions from the Sub-Committee were asked to the Officers from Cheshire Constabulary in relation to the CCTV and if an obstruction had occurred, the Officers felt that DPS at the time were obstructing Officers. In relation to a question asked by the Sub-Committee in relation to disregarding the law, Officers confirmed that they had disregarded the law multiple times.

CHESHIRE FIRE

An Officer from Cheshire Fire explained that there was a Prohibition Notice on the premises from 2021, this was due to the mezzanine level. They had since completed unannounced visits and confirmed they were satisfied in relation to the mezzanine level of the shop but the Prohibition Notice was still in place due to some concerns regarding fire exits signs and fire exits being blocked. Officers confirmed that another visit would take place at the premises in due course.

Members of the Sub-Committee sought clarification from the Officer regarding the Prohibition Notice. The Officer outlined the rationale for issuing the Notice, the steps required to remedy the identified issues, and the procedures that had been followed.

WARD COUNCILLOR

The Ward Councillor explained about the area he represented and that it was part of the Town Centre. There was a concern with the premises whereby on two separate occasions illegal workers had been encountered at the

premises but indicated he would like to hear further from the Legal Representative acting on behalf of Today's Extra.

LEGAL REPRESENTATIVE ON BEHALF OF TODAY'S EXTRA

Mr Duncan provided an update regarding the premises, he further went on to explain that the Director of Diamond 8 Retail Ltd and the previous DPS were husband and wife. He further explained that he was not aware of the additional Civil Penalty Notice which had been issued to the company.

Mr Duncan explained that no official instalment plan had been arranged but the Company had agreed to make payments for the outstanding amount and agreed last week to make payments of £2800.00 a month.

Mr Duncan confirmed he did not agree with Cheshire Constabulary comments regarding the application to Vary the DPS as he believed this simplified the matter as this removed the previous DPS and a new DPS was in situ. He further explained that the new DPS had held a personal licence for the past 5 years and ran two other premises in Accrington and Merseyside. The new DPS would have the day-to-day control at Today's Extra and would visit the premises daily ensuring compliance.

Mr Duncan confirmed he did not dispute that there were staff employed illegally and conceded that the Right to Work checks were not completed.

Mr Rushton confirmed that he had visited the premises before the hearing to ensure that the premises were compliant and completed an audit check of the premises, (the audit check was provided to all parties on the 12 November 2025). Mr Rushton confirmed that the premises were compliant and that he had seen the Right to Work checks for staff working at the premises.

Further information was provided that the premises was a big store and 25% of the business was alcohol and employed 8-10 workers.

Mr Duncan explained that the debt would not be able to be paid to the Home Office if no licence existed. He further explained that there was the option to modify the conditions or suspend the premises licence. A new DPS was in place already at the premises.

The Sub-Committee asked questions to the Legal

Representatives.

All parties summoned up accordingly.

THE DETERMINATION

The Sub-Committee considered the application, the representations from Cheshire Police, Cheshire Fire and one Ward Councillor and the verbal submissions heard from the Applicant's agent at the hearing.

In doing so, the Sub-Committee resolved to **REVOKE** the Premises Licence for Todays Extra, 78 Albert Road, Widnes.

REASONS FOR THE DETERMINATION

In reaching its decision, the Sub-Committee took into consideration The Licensing Act 2003 and Regulations made thereunder, Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003, The Council's Statement of Licensing Policy, The cases of:

- R (on the application of Hope, Glory Public House Ltd) [2011] EWCA Civ 31; and
- R (Bassetlaw District Council) v Worksop Magistrates' Court [2008] EWHC 3530 (Admin).

The Sub-Committee was aware of, and took into account, any implications that may arise from the Human Rights Act 1998.

The reasons for the decision were:-

- 1) The Sub-Committee in reaching its decision had due regard for its Public Sector Equality Duty under Section 149 of the Equality Act 2010 and considered that in reaching its decision that it fulfilled its duty under the Act;
- 2) At the outset of the hearing, legal advice was given on the scope of the hearing and the power and discretion of the Sub-Committee (Annex I). The parties made no representations as to that advice;
- 3) The Sub-Committee found that there had been failures to promote the crime prevention objective and that this was not disputed by the premises. There was clear evidence of illegal working, with illegal workers being paid 'cash in hand' at rates below minimum wage, which the Sub-Committee saw as deliberately exploitative, especially in light of the evidence from the Fire Service of sleeping at the premises. The crime prevention objective was positively undermined;

- 4) Whilst the premises may have taken steps to improve practices via a change of DPS and new staff training, such practices should already have been in place but were not, and Cheshire Constabulary had identified that requirements of the premises licence in respect of CCTV and record keeping had not been complied with; and
- 5) The Sub-Committee was not satisfied that the Licensing Objectives would be promoted if the Premises Licence continued and determined that the appropriate and proportionate step in the circumstances was to revoke the licence.

Meeting ended at 11.48 a.m.