

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 **[REDACTED]**

(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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Guildford Manor Hotel & Spa Newlands Corner Albury	
Post town Guildford	Post code (if known) GU4 8SE

Name of premises licence holder or club holding club premises certificate (if known) Mr Andrew MCNEIL

Number of premises licence or club premises certificate (if known) GUPLA0193
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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 
Telephone number (if any)
E-mail address (optional) 

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives.

Home Office (Immigration Enforcement) believe Nahid Residential Ltd is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.

Nahid Residential Ltd (Andrew MCNEIL) is using his Hotel businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

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

Guildford Manor Hotel & Spa is in the town of Guildford, Surrey.

The premises has a licence to sell Alcohol between the hours of 0800-0000 Sunday – Thursday and 0800-0100 Friday and Saturday.

There is also a hot food licence which allows them to serve hot food between the hours of 2300-0500 7 days a week.

On 31st May 2023 Immigration Officers from the South Central Immigration Enforcement team alongside Officers from Surrey Police attended the address after receiving allegations of Modern Day Slavery and Illegal Working taking place at the address.

Entry was gained at the premises at 08:03 with a warrant issued under Section 8 of PACE.

7 people who were identified as being employees at the address were spoken to by Immigration and Police Officers. Home Office checks were conducted and 5 of the 7 people were all identified as having the right to work.

The other 2 were found to be working illegally. Both were fully interviewed by Immigration Officers and admitted to working at the establishment.

Mr MCNEIL – the DPS and Manager was also interviewed in regard to these 2 employees. A Civil Penalty Notice was served to Mr MCNEIL and is currently being considered.

1 of the employees with no right to work stated that he showed his BRP in order to start working for Guildford Manor Hotel & Spa, this clearly states his work restriction of 20 hours per week.

Mr MCNEIL stated that the other he believed was waiting for his documents, and confirmed he has not seen any documents.

It appears to be that Guildford Manor Hotel & Spa are still not conducting the correct right to work checks before employees are given employment despite the previous visit in 2021 where similar offences were identified.

A previous visit which took place on the 24th November 2021 in which South Central ICE (Eaton House and Portsmouth), accompanied by Officers from West London ICE, South East ICE (Kent & Sussex), Eaton House ROM, Norman House ROM and Surrey Fire and Rescue were in attendance again identified 2 employees working with no right to do so.

A Civil Penalty for £20,000 was issued and Home Office checks show that this has been paid.

Revised Home Office guidance issued under section 182 of the Licensing Act 2003 – December 2022 states:

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which

should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*

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 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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

[Redacted Signature]

Date 17.08.2023

Capacity

[Redacted 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.



Home Office

Premises Licence Review

Guildford Manor Hotel & Spa

Newlands Corner

Albury

Guildford

GU4 8SE

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Case Summary

On Wednesday 31 May 2023, immigration officers from the South-Central ICE team carried out an illegal working visit to Guildford Manor Hotel & Spa. Intelligence had been received stating that there were people employed with no right to work in the UK, as well as concerns relating to Modern Day Slavery.

This visit was conducted with police officers from Surrey Modern Slavery & Organised Immigration Crime Unit as well as police constables from Surrey Police.

The team entered the hotel at 08:03, entry was gained with a warrant obtained by the police under Section 8 of PACE and Immigration Enforcement were included on this warrant.

7 members of staff were at the premises both working in the hotel, and in the staff accommodation which is located within the hotel grounds. All had an immigration check run to determine their status in the UK.

2 workers were found to have no right to work in the UK.

All police and immigration officers had left the hotel by 12:15.

An enforcement visit was also carried out on the 24 November 2021 where 2 people were found to have no right to be working in the UK. A civil penalty fine of £20,000 was issued and was paid using the faster payment method. This reduced the fine to £14,000.

Licenced Premises History

The Premises Licence Number is 18624 and is held by Nahid Residential Limited.

The designated premises supervisor is Mr Andrew MCNEIL. The personal licence was issued by Guildford Borough Council.

A copy of the license, including the licence activity times can be found on: https://mylicencegbc.guildford.gov.uk/registers/index.html?fa=licence_register&licence_id=18624&council_id=1

The business is registered as, Nahid Residential Limited, company number 08868452. Registered office address: 2 The Paddock, Guildford, Surrey, England, GU1 2RQ. Mr Andrew MCNEIL is listed as a director along with two others (Charles MCNEIL and Nahid MCNEIL).

Enforcement Visit dated: 31 May 2023

Entry was gained at the premises at 08:03 with a warrant issued under Section 8 of PACE.

Upon entry to the premises the following workers were encountered and interviewed thoroughly regarding their position at the hotel.

██████████, ██████████ Pakistan

██████████ was hiding in one of the hotel rooms. He only made himself known to officers after police had advised Mr MCNEIL that they would be opening all rooms to locate him after another resident in the staff accommodation had confirmed ██████████ was currently at work inside the hotel.

Home Office checks showed ██████████ was issued with a student visa valid from 15 January 2022 until 06 September 2023. This visa was issued with the condition that employment is only permitted up to a maximum of 20 hours per week during term time only.

Time sheets and duty lists were found in ██████████'s bedroom in the staff accommodation. These evidenced that ██████████ was consistently working more than 20 hours per week, on average ██████████ worked 40 hours per week. The duty lists were from December 2022 to April 2023 (document "Freetext Sign time sheet 04" shows pay for December). This demonstrated that the employer is showing no regard to complying with the visa restrictions.

██████████ told immigration officers that he works 20 hours per week as a cleaner, first stating that he only works Monday and Tuesday but did not want to say what times he worked, he then said he works 4 days a week when asked further questions regarding his employment.

██████████ stated to officers that he had been working at the address for 'about a year'. He confirmed that he is employed by ██████████'.

██████████ was found to be working in breach of his visa conditions and therefore was working illegally at the hotel.

██ Nepal

██████████ was in staff accommodation at the hotel. Home Office checks conducted showed that ██████████ had entered the UK on a temporary work (seasonal work) migrant visa. This was valid between 05 September 2022 to 03 March 2023. Crucially, it must be noted that ██████████ made a claim for leave to remain on 21 January 2023. Making this claim removed any previous right to work. As of 21 January 2023, ██████████ had no right to work in the UK.

██████████ was fully interviewed by immigration officers using an Nepali interpreter, ██████████ confirmed that he understood the interpreter. During the interview ██████████ stated –

‘I am not working, I am helping out with the gardening the manager asked me to come down’.

He was asked whether he receives any payment for his work and he said –

‘I don’t know, they said come and stay I don’t know about that’.

The immigration officer asked how he supports himself if he is not working, ██████████ answered:

‘sometimes I get food and money from the hotel as I help them with gardening and cleaning and I have money from before’

Immigration officer: ‘How often do you have to help out?’

‘About 2 to 4 hours per day and I get some money, it varies sometimes £100 sometimes £70 and I get some chicken and food from the hotel’

Immigration officer: ‘When you help out who tells you what tasks to do?’

‘My friend, the one who told me to come here, he is the manager of the hotel. Its an old lady, she speaks English.’

██████████ confirmed that he knows he is not allowed to work with his status in the UK.

Employer interview – Andrew MCNEIL

Immigration officers spoke with Andrew MCNEIL who identified himself as a manager. Mr MCNEIL thought that ██████████ had worked at the hotel for over a year and that he was on a student visa – although he didn’t check it himself. Mr MCNEIL didn’t know how many hours ██████████ was permitted to work, the days he works or his rate of pay. When asked how much ██████████ pays for accommodation, Mr MCNEIL said: I don't know maybe £150 per month. It must be noted that ██████████ had stated that he gets free accommodation.

Mr MCNEIL was then questioned about ██████████, the exchange is recorded below:

How long has ██████████ worked here? I think he's been here a week maybe 2 weeks

What documents did he show you for the right to work in the UK? I have not seen any documents my understanding is he is waiting for documents

What is his position here?	I don't think he's employed by the company yet
How much is he paid?	I don't think he is paid
Does he live in the staff quarters accommodation?	Yes
How much rent does he pay for the accommodation?	Doesn't pay rent
For the last 1 or 2 weeks of him working here what does he get?	I don't think he gets anything
Does he receive food and water?	He can get as much water as he needs and if there is food left over that gets taken to staff accommodation

████████ stated that he 'helped out' at the hotel doing gardening or cleaning. He is paid on an ad-hoc basis which varies from £70 to £100. He was also found in the staff accommodation yet stays there for free which is consistent with other employees. In addition, right to work checks are to be conducted prior to employing an individual. While Mr MCNEIL states that ██████████ isn't employed, it is clear that ██████████ is living at the hotel rent-free and receiving money in exchange for gardening and cleaning. It is considered that ██████████ was being employed at the premises.

Enforcement Visit dated: 24 November 2021

Immigration Enforcement officers and Surrey Fire and Rescue, carried out an enforcement visit to the Guildford Manor Hotel & Spa, Newlands Corner, Guildford, Surrey, GU4 8SE.

Entry was gained via a Schedule 2 Paragraph 17(2) warrant obtained from South East Region Magistrates Court. Entry was gained at 10:40. The warrant was initially handed to the receptionist and the officer in charge (OIC) spoke to the owner, Nahid MCNEIL over the phone at the time of serving the warrant. It was explained to Mrs MCNEIL that the officers were carrying out an enforcement visit on the basis of intelligence received that illegal workers were being employed.

Mrs MCNEIL enquired how long officers would be speaking to her staff and asked whether she needed to attend. She was advised that her attendance was not mandatory.

2 arrests were made during the visit and both individuals were interviewed fully regarding illegal working and their duties at the hotel.

Georgia

██████████ was located in the staff accommodation. Home Office checks showed that he entered the UK illegally, he was served with the requisite paperwork for illegal entry. ██████████ had no right to work in the UK. A Russian interpreter was used to conduct an illegal working interview. ██████████ confirmed that he understood the interpreter and also confirmed that his answers to the questions were accurate.

██████████ worked as a gardener and tools for the role were found in his room. He admitted to have started working there '3 years ago'. He confirmed that he is employed by 'Douglas and Andy McNeil'. Officers asked what days he worked, and he said 'Tuesday to Sunday, I have Mondays off'. He said he does not have a uniform and wears his own clothes, he is also paid in cash.

██████████ was asked whether Andy knows he is not allowed to work in the UK. He answered 'No he doesn't know' and then when asked if he showed his passport, he replied 'No, I just told him I need a job'.

Georgia

██████████, ██████████ was found in the kitchen area washing dishes. Immigration Officers introduced themselves and ██████████ confirmed that he was working. Home Office checks showed that ██████████ had entered the UK illegally and was not entitled to be working.

██████████ admitted to working at the hotel for about 1 year as a kitchen porter. He was working between 8-10 hours per day, 'doing the dirty jobs', 'from Monday to Saturday 0900-1400 and 1800-2300'.

When asked who tells him when to work he said 'someone called Nahid who is a female I think she is manager'.

He was also asked how he was paid to which he answered 'only cash in hand, I wanted them to send me money through bank account but they didn't want to'.

He confirmed to the immigration officer that he showed Nahid a Latvian ID card (in the identity of ██████████). He didn't think that the employer did any checks to see whether he was allowed to be working in the UK.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The license holder, Nahid Residential Limited has deliberately overlooked the rules and laws in place to prevent crime and disorder.

There were two illegal workers encountered at the premises in 2023 and two illegal workers previously in 2021 for which a £20,000 civil penalty fine was issued. The premises did not challenge the fine and chose to pay it in full on 11 February 2022. A faster payment option was applied which brought the fine down to £14,000. It is considered that the premises was sanctioned and did not improve their practises, they continued to employ illegal workers and therefore their license should be reviewed.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

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

The Guildford Manor Hotel and Spa under the control of Nahid Residential Limited has been found employing illegal workers on two separate occasions. This business has clearly failed to meet the prevention of crime and disorder objective.

The first visit in November 2021 resulted in a civil penalty fine for employing illegal workers. The premises paid this fine for failing to conduct the proper checks on their staff.

The premises was re-visited 18 months later, and they have clearly failed to rectify their practices as two further illegal workers were found.

The hotel employs several staff across various disciplines including reception, the restaurant and kitchen. 3 out of 4 workers encountered in both visits have been employed as gardeners. The premise has legally employed staff who work in customer facing roles and seemingly ignore the right to work checks for staff who work in non-public facing roles in the grounds. In addition, it is clear from interviews with those encountered that the gardeners are being paid in cash while ██████ was paid on the books.

The premises has demonstrated an inconsistent approach to ensuring the correct checks are made before employing staff. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application, ie. the right to work checks and keeping records for audit purposes.

Immigration Enforcement has submitted that the license holder clearly knew the rules and responsibilities of employing people. Conducting these checks is a simple task and should be part of their business-as-usual practices. Guidance is available online and the Home Office have published "[Right to work checks: an employer's guide](#)" which can be found on the .Gov website. Additional information on how to conduct these checks is readily available online, this includes the Home Office's official YouTube page which gives a step-by-step video on how to conduct the checks. The

information is readily available; however, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

Annex A – officer records

Freetext_Encountered_Pakistani_male_with_a_student_visa._He_stated_he_only_w
ork_20_hours_a_week,_ho

Illegal_Working-Employee_ [REDACTED]

Illegal_Working-Employee_ [REDACTED]

Illegal_Working-Employee_ [REDACTED]

[REDACTED]

Illegal_Working-Employer_ [REDACTED]

Illegal_Working-Employer_ [REDACTED]

Illegal_Working-Employer_ [REDACTED]

[REDACTED]

[REDACTED]

Freetext_Sign_time_sheet_(EV19-880,211)-Completed

Freetext_Staff_Rotas_(EV19-880,211)-Completed

Encounter_ [REDACTED] (EV19-880,211)-Complete

Encounter_ [REDACTED] (EV19-880,211)-Complete

Encounter_ [REDACTED] (EV19-808,567)

[REDACTED] (EV19-808,567)

QA_ [REDACTED] (EV19-808,567)(1)

QA_ [REDACTED] (EV19-808,567)

QA_ [REDACTED] (EV19-808,567)

Photographs:

Freetext Sign time sheet 01

Freetext Sign time sheet 02

Freetext Sign time sheet 03

Freetext Sign time sheet 04

Freetext Sign time sheet 05