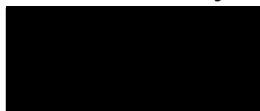


**PRIVATE & CONFIDENTIAL**

Mr Jose Antony Santiapillai



**Licensing Service**

Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Phone:



Our Ref: 15/03238/LAPREM  
Date: 23 June 2016

Dear Sir

**LICENSING ACT 2003 - PREMISES LICENCE  
OXYGEN 3 PORTSMOUTH ROAD, COSHAM, PORTSMOUTH**

I am writing further to my letter to you dated 20 April 2016 and your subsequent attendance at interview (under caution) on 28 April 2016.

This was further to apparent breaches noted contrary to the Licensing Act 2003 and so far as this relates to the premises licence authorisation previously granted in respect of Oxygen, 3 Portsmouth Road, Cosham. You are noted as both the licence holder and designated premises supervisor for the premises.

The visits on 24 March 2016, 06 April 2016 and 15 April 2016 revealed a number of general breaches to the act (and the conditions of your licence) as follows:

- 1. No premises licence summary displayed
- 2. No premises licence available for inspection
- 3. No evidence of an adopted age verification policy
- 4. No training records evidenced
- 5. No CCTV training evidenced
- 6. No CCTV operator manual available
- 7. No written authorisation to sell alcohol available

Together with evidenced poor fire safety standards which were reported direct to the Chief Fire Officer for his consideration.

Your explanations during interview have been considered and I have also had regard to our enforcement policy guidelines. It is noted that you eventually produced both the licence and summary during interview.

I have concluded that two courses of action should be taken. Firstly, that you should receive a final written warning for the apparent breaches mentioned in (1 - 3) above and secondly, that you will be reported for prosecution for those offences at 4, 5, 6 and 7 above so far as they are considered serious, repetitive and demonstrated a lack of due diligence to avoid the commission of these offences.

Accordingly, our file has now been forwarded to the Head of Legal Services and you should direct any correspondence to them with a copy sent to our office.

I accept that you [REDACTED] were away for a period of time but the evidence shows that you were back in the country on both 06 and 15 April 2016 and could have taken prior steps to comply with the requirements of your premises licence.

Finally, there is the matter of your personal licence granted by the London Borough of Lewisham. By your own admission you have advised us that you live at [REDACTED] Portsmouth whereas the address on your personal licence is currently [REDACTED] London [REDACTED]

If you have not notified Lewisham of your change in circumstances then I strongly recommend that you do so to avoid the commission of any further offence(s).

Yours faithfully

[REDACTED]

Mr Ross C Lee

Email: [ross.lee@portsmouthcc.gov.uk](mailto:ross.lee@portsmouthcc.gov.uk)

**NOTE:** All communications in reference to this Summons should be addressed to  
Legal Services, Portsmouth City Council, Civic Offices, Guildhall Square,  
Portsmouth, PO1 2AL (Telephone No: [REDACTED])

**HER MAJESTY'S COURT & TRIBUNAL SERVICE**

TO: JOSE ANTONY SANTIAPILLAI

OF: [REDACTED]

**THE INFORMATION OF** MICHAEL LAWOTHER, City Solicitor to Portsmouth City  
Council of Civic Offices, Guildhall Square, Portsmouth states that:

1. On 6<sup>th</sup> April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that all operators and staff had received training on the CCTV system and there was no operator manual available contrary to Condition 01, Annex 2 of the premises licence

**Contrary to Section 136(1)(b) of the Licensing Act 2003**

2. On 15<sup>th</sup> April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that all operators and staff had received training on the CCTV system and there was no operator manual available contrary to Condition 01, Annex 2 of the premises licence

**Contrary to Section 136(1)(b) of the Licensing Act 2003**

3. On 15<sup>th</sup> April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to provide all members of staff with comprehensive and documented training in the

objectives of the Licensing Act 2003 and the statutory requirements contrary to Condition 02, Annex 2 of the premises licence

**Contrary to Section 136(1)(b) of the Licensing Act 2003**

4. On 15<sup>th</sup> April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that supply of alcohol under the premises licence was made or authorised by a person who holds a personal licence contrary to Condition 02, Annex 1 of the premises licence

**Contrary to Section 136(1)(b) of the Licensing Act 2003**

.....  
City Solicitor

**YOU THE DEFENDANT ARE THEREFORE HEREBY SUMMONED** to appear on **Tuesday 20<sup>th</sup> September 2016 at 9.30am**, before the **Magistrates' Court sitting at The Law Courts, Winston Churchill Avenue, Portsmouth, Hampshire, PO1 2DQ**, to answer the said information.

.....  
Clerk to the Justices

.....  
Date

## Stone, Derek

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**From:** Ager, Jenny  
**Sent:** 21 November 2016 11:28  
**To:** Lee, Ross  
**Subject:** Jose Santiapillai - Hearing 21.11.16  
**Attachments:** 382870 - Summons.docx

Hi Ross

Mr Santiapillai attended the adjourned hearing this morning and he amended his pleas to guilty for all 4 charges. The magistrates had sight of his letter, when he had made the decision to change his plea, and that was essentially his mitigation. The magistrates said they had some sympathy for the circumstances in which the offence occurred and imposed the following penalties, taking into account his early(ish) guilty pleas!

- 1) £100 fine
- 2) No separate penalty
- 3) £50 fine
- 4) £150 fine

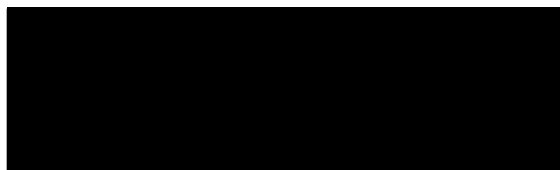
I've attached a copy of the summons to cross reference. They also awarded £100 in costs and there's a £15 victim surcharge payable, a grand total of £415.00. He was given 28 days to pay.

The file will now be closed in Legal Services and retained in MRS for the requisite number of years.

Kind regards

**Jenny Ager**  
**Prosecution Lawyer**

Legal Services  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL



Reference: 504942 / 411533

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Service of any papers, notices or proceedings are not accepted by e-mail to this e-mail address.