

# Appendix 'B'

**Representations and applicant's response:**  
1 x Local Residents

Sorry but I don't believe the other outlets mentioned are open 7 days a week till 4 am.

They are also not on the corner of a thoroughfare like this one is.

I see little to no difference in the menu options though I've not tried the place yet.

My objection is with it doing it 7 days a week.

I am really concerned about delivery drivers and noise that will create.

The fact othe places are open late shouldn't on my view dictate need or demand for more. I don't think any business on the Wicker opens 11 till 4am.

As a local resident I am not happy all with this response or application.

Regards

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**From: Sent:** Tuesday, April 30, 2024 4:26:19 pm

**To: Subject:** RE: Application for late night opening for Abaseen Diner on the Wicker

Dear Mr

Thank you for your e-mail.

I forwarded your objection to the applicant on the 25<sup>th</sup> April and received the below response for your consideration. I have also today informed the applicant and agent of your concerns regarding delivery drivers and late night noise.

**From:**

**Sent:** Friday, April 26, 2024 5:29 PM

**To:**

**Subject:** RE: Objection received to the Grant Application Abaseen Diner, 39-41 Wicker, S3 8HS

**Good Afternoon**

**Thank you for your email and for copying me in. as previously noted in the application, Mr Ullah finds it difficult to relay words on email in English and has asked me to respond as business support advisor. I have spoken to him and taken his instructions to reply as follows.**

- 1. Wicker has a number of establishments which are open until 4:00am as the objection has noted. Abaseen however has a different menu offering and clientele base that would benefit from the license being granted.**
- 2. The prevention of the license being approved would be discriminatory in our belief as there are already several other establishments on the Wicker which open until 4:00am, these include Imrans Diner, Khyber Diner, Big Daddys**
- 3. As an establishment we take our social responsibility seriously and ensure that our clientele are respectful of the area. As an establishment we do not sell alcohol and our clientele are not coming to the establishment having taken a drink, as our clientele are in the majority Muslim.**
- 4. We have a prayer area in our establishment which allows for our clientele who may have finished a late shift, or may still be on a break, to pray as well as partake in food.**

Regards

For and on behalf of Mr Rahim Ullah

Hi

I've reported parking issues multiple times as I'm sure parking services can confirm.

I am concerned about delivery drivers causing more issues.

I am also concerned about late night noise. I get the business having some weekend late night opening but I don't think the breadth of hours 7 days a week is acceptable in such a high density residential area.

Regards

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**From:**

**Sent:** Thursday, April 25, 2024 5:42:57 pm

**To:**

**Subject:** FW: Application for late night opening for Abaseen Diner on the Wicker

Dear Mr

Please may I firstly take this opportunity to thank you for taking the time to submit your comments to the Licensing Service regarding this application.

I have been passed this file to go over any outstanding/unresolved objections to see if they can be resolved. I can confirm that your objection has been forwarded to the applicant for consideration of the concerns you have raised.

Unfortunately, parking is not a consideration under the Licensing Act 2003. If you are currently experiencing issues, this can be reported to Parking Services via the link provided [Report an incorrectly parked vehicle | Sheffield City Council](#) or to South Yorkshire Police on 101. Would it be possible for you to please expand on your concerns regarding antisocial behaviour that may arise from this premises for me to relay this to the applicant.

I can inform you that several conditions have been proposed by the applicant in the operating schedule, and during the consultation period conditions have also been requested by South Yorkshire Police and agreed by the applicant as stated below. These conditions will be placed on the licence if granted and are enforceable under the Licensing Act 2003.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. We shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty.
2. We shall ensure that all staff will undertake training in their responsibilities in relation to maintaining good hygiene.
3. Records will be kept of training and refresher training.
4. Customers shall be asked to leave quietly and treat the neighbourhood with respect.
5. No alcohol will be supplied or sold on the premises.

**Agreed SYP Conditions 18.04.24**

6. CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2020) . The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the use of the system.

**CCTV systems installed after 2021 should be full digital systems with wide dynamic range IP cameras (WDR).**

7. The CCTV system will contain the correct time and date stamp information.
8. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access the system, the reason why and when.

9. A copy of the South Yorkshire Police Violent Incident Protocol to be displayed within the premises, in sight of staff. This protocol should also form part of staff training and training records to reflect such input.

10. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any visit by a relevant authority or emergency service.

Such records to be retained for at least 12 months and available for inspection on request.

11. Persons under the age of 18 years are not permitted after 21:00 hours unless accompanied by a responsible adult and attending a family type function or dining.

In line with legislation requirements, the Licensing Authority must place any unresolved applications to the Licensing Sub-Committee (members made of locally elected Councillors) who will hear any objections/representations made and make a decision on whether to grant/reject/amend the application submitted. This is a legal formality and must be heard within 20 working days from the last date of comments for the application. I can confirm that the Licensing Authority expects those making representations to an application make every effort to attend the Licensing Committee hearing to give evidence in support of your objection. The Licensing Authority (Committee) will consider all written comments in the absence of those making representations and apply appropriate weight; however, non-attendance at the Licensing Hearing will not allow clarification on points.

A full report and notification will be sent out to you in due course ahead of the hearing.

Should you have any queries, please do not hesitate to contact me.

Kind Regards

**From:** <[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)>

**Sent:** Tuesday, April 23, 2024 1:40:18 pm

**To:**

**Subject:** RE: Application for late night opening for Abaseen Diner on the Wicker

Dear Sir

Thank you for submitting your comments. Please accept this email as acknowledgement of the receipt of your representation made in respect of the Application for Abseen Diner, 39-41 The Wicker.

This representation will now be passed to a Licensing Officer who will determine whether or not it is 'relevant'. A relevant representation is one that relates to the impact the application may have on the four licensing objectives as detailed in the Licensing Act 2003.

We may try to mediate between parties (applicant and objector/s) to try to come to an amicable solution within the consultation period, where possible, and avoid the need to facilitate a formal hearing.

If agreement cannot be achieved all parties will then be invited to attend a hearing of the Licensing Sub-Committee to determine the application.

**PLEASE NOTE:** The information and link below outlines what we must do with your information after the submission of a valid representation.

<https://www.sheffield.gov.uk/home/business/licences-permits-registrations/about-licences>

Once you have submitted your comments to us, the letter or email will become a public document and will be shared with the premises licence applicant and/or their solicitors. It will also be included in any report that is written for presentation to the Licensing Sub-Committee should a hearing be required. A copy of this report is published online and becomes a public document.

In exceptional circumstances you can ask us to withhold your details (your original representation must contain your name and address). If you do not wish for any/some of the information provided to be in the public domain, please contact the service within 5 days of the closing date for representations and we can redact the necessary information or withdraw it altogether if you wish. Please note the closing date for comments on this application is 24 April 2024.

**Please can you confirm your address to make it a valid objection.**

Kindest regards

The Licensing Service

**From:**

**Sent:** Friday, April 19, 2024 12:20 PM

**To:** licensingservice <[licensingservice@sheffield.gov.uk](mailto:licensingservice@sheffield.gov.uk)>

**Subject:** Application for late night opening for Abaseen Diner on the Wicker

■ Hello

I've tried contacting you on the website shown but it doesn't seem to work I've also tried by phone but was on hold for over 15 minutes and had to call off.

I wish to object to the proposed request to let Abaseen Diner open from 11 till 4 am 7 days a week. This is a highly densely populated residential area which already has an array of similar takeaway offerings. I believe allowing this take away to open till 4 am will cause problems with antisocial behaviour and with traffic. The premise sits on the corner of the Wicker and Stanley Street. Stanley Street already has problems with poor/illegal parking and is used as a "rat run" by many drivers. The road is too narrow for parking and despite the restrictions has cars parked up night and day.

I see no reason for this establishment to be open past midnight with perhaps an extension to 1am on Friday and Saturday and I believe Sunday should be an 11pm finish.

If you want to discuss my objection, please feel free to call me on [REDACTED]

Regards

# Appendix 'C'

**Agreed Conditions:  
South Yorkshire Police**

Afternoon,

Following receipt of the premise licence application for Abaseen Diner, 39-41 Wicker, we have now received agreement of the following conditions:

- A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2020) . The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the use of the system.

**CCTV systems installed after 2021 should be full digital systems with wide dynamic range IP cameras (WDR).**

- The CCTV system will contain the correct time and date stamp information.
- The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access the system, the reason why and when.
- A copy of the South Yorkshire Police Violent Incident Protocol to be displayed within the premises, in sight of staff. This protocol should also form part of staff training and training records to reflect such input.
- An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system or searching equipment or scanning equipment

(g) any visit by a relevant authority or emergency service.

Such records to be retained for at least 12 months and available for inspection on request.

- Persons under the age of 18 years are not permitted after 21:00 hours unless accompanied by a responsible adult and attending a family type function or dining.

Please place on the licence should this be granted.

# Appendix 'D'

## Hearing Notices and Regulations





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**Notice of hearing of representations  
in respect of the following application:  
LA03 Premises Licence Application**

**Mr Rahim Ullah, on behalf of Abaseen Diner Ltd**

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 27<sup>th</sup> March 2024 received an application in respect of the premises known as;

**Abaseen Diner, 39-41 The Wicker, Sheffield, S3 8HS**

During the consultation period, the Council received a representation from the following interested party:

- **1 x Local Resident**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **At Sheffield Town Hall on Monday 20<sup>th</sup> May 2024 at 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representation made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 7<sup>th</sup> May 2024

Signed: Jayne Gough

The officer appointed for this purpose  
Licensing Strategy and Policy Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)



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**Notice of hearing of representations  
in respect of the following application:  
LA03 Premises Licence Application**

Mr [REDACTED] Kitching  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 27<sup>th</sup> March 2024 received an application in respect of the premises known as;

**Abaseen Diner, 39-41 The Wicker, Sheffield, S3 8HS**

During the consultation period, the Council received a representation from the following interested party:

- **1 x Local Resident**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **At Sheffield Town Hall on Monday 20<sup>th</sup> May 2024 at 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representation you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 7<sup>th</sup> May 2024

Signed: Jayne Gough  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## NOTES

### Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

### Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
  - (b) if given permission by the authority, question any other party; and
  - (c) address the authority

### Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

### Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the authority may specify,
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

**Notice of actions following receipt of notice of hearing**

To **Licensing Service,  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

I Mr [REDACTED] Kitching, Local Resident

hereby confirm that I have received the Notice of Hearing dated 7<sup>th</sup> May 2024 and notify you as follows **(please complete)**:

I intend to attend the hearing on Monday 20<sup>th</sup> May 2024 at 10.00am at Sheffield Town Hall.

I do not intend to attend the hearing.

I intend to be represented at the hearing by: .....

I consider the hearing to be unnecessary because: .....

.....

I request that .....should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: ..... Signed.....

**Please see Regulation 8 overleaf**

Please complete this form and return it to:  
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

- (3) In the case of a hearing under –

- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
- (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –

- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

## **Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)**

**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked both by Members and the applicant.
    - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
    - (d) Members may ask questions of those parties
    - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
    - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
      - (i) detail the application;
      - (ii) provide clarification on the application and respond to the representations made.
    - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (h) The applicant will then be given the opportunity to sum up the application.
    - (i) The Licensing Officer will then detail the options.
    - (j) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.