

The Highland Licensing Board

Meeting – 22 February 2022

Agenda Item	7.1
Report No	HLB/011/22

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

The House of Juniper, The Manse, Lower Harrapool, Broadford, Isle of Skye, IV49 9AE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of The House of Juniper, The Manse, Lower Harrapool, Broadford, Isle of Skye, IV49 9AE.

1.0 Description of premises

1.1 The House of Juniper is situated in the Lower Harrapool area of Broadford and consists of a detached three storey renovated old manse building containing 10 bedrooms and is situated within two acres along with six self-catering units and a bar unit (catering trailer). There is also a large outside hospitality area.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 2200 hours

The applicant seeks the following **off sale** hours:

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 7 December 2021 the Licensing Board received an application for the provisional grant of a premises licence from Blessed Skye Ltd t/a The House of Juniper.

The application was accompanied by the necessary section 50 certification in terms of Planning and Building Standards, together with a Disabled Access Statement.

- 3.2 The application was publicised during the period 15 December 2021 until 5 January 2022 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to attend a virtual hearing and/or submit a written representation to state their case.

4.0 Legislation

- 4.1 The Licensing Board must, in considering and determining the application, consider whether any grounds of refusal apply and, if none of them applies, the Board must grant the application.

Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers the premises are unsuitable for use for the sale of alcohol, or
5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The property is situated in the Lower Harrapool area of Broadford, Isle of Skye.
- (ii) The property known as The House of Juniper is comprised of a detached three storey renovated old manse building which has 10 bedrooms and is situated within two acres along with six self-catering units and a bar unit (catering trailer). There is also a large outside hospitality area.
- (iii) The premises will offer alcohol for on and off sales provided from the bar unit known as "The Bothy Bar".
- (iv) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (v) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vi) The layout plan submitted complies with the required specifications.
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (viii) During the period of public consultation, no objections were received.
- (ix) I have no objection to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- m After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

7.3 Special conditions


No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para 7.2 above.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and, if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/1991
Date: 4 February 2022
Author: Carol Nicolson



24th Jan 2022

Ian Meredith
Clerk to the Highland Licensing Board
licensing@highland.gov.uk

Dear Sir/Madam,

I am writing to note our objections to the licensing application at **The Viewmount, East Terrace, Kingussie, PH21 1JS** for the following areas:

- **Increase footprint of licensed premises to include extended outside drinking area for the use of guests and the provision of afternoon teas and general use.**
 - Although it isn't entirely clear from the operating plan where the current or extended designated drinking areas will be, we would like to object to the recently built sunken seating deck in the right-hand corner of the garden being used. This new area has been sunken, and our house is lower than the road, so our bedroom windows and the seating area are at the same height and only a few meters apart. The construction materials of this area consist of concrete walls and steel cladding, creating an echo chamber where the noise will be amplified towards our home. We feel this will impact our privacy and increase the potential for noise disturbance outside our home and in this residential street.
 - If this area is permitted, we request that it has limited hours of use to reduce the impact on our privacy and any potential noise nuisance.
 - **Please note that this new seating area is not currently a permitted development as it does not yet have planning permission.** A retrospective planning application is currently under review, and the outcome has not been determined (retrospective planning application ref 21/05206/FUL). Note: We objected to the new seating area through the retrospective planning application.

- **Outdoor drinking to be provided outwith core licensed hours.**
 - We object to using the new seating area for such purposes, especially outwith core hours, again due to the impact on our privacy and potential noise nuisance on our home.

Yours faithfully,

Mr & Mrs B & E Folan (electronically submitted)