

## The Highland Licensing Board

Meeting – 28 November 2023

Agenda Item	8.3
Report No	HLB/132/23

### Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

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

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Blessed Skye Ltd t/a The House of Juniper, The Manse, Broadford, Isle of Skye, IV49 9AE.

#### 1.0 Description of premises

1.1 The House of Juniper is a three-storey stone built manse containing 10 bedrooms set in its own two acre grounds containing six self catering cabins and an outside catering unit. The Bothy Bar (catering unit) is used for the provision of refreshments to guests and takeaway. There is also an outdoor drinking area.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Sunday: 1100 hours to 2200 hours

##### Off sales:

Monday to Sunday: 1100 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

1. Extend terminal on sales hour to 2400 hours Monday to Sunday;
2. Increase on sales capacity from 80 to 300;
3. Add restaurant and conference facilities within and outwith core hours;

4. Club or other group meetings to take place outwith core hours;
5. Amend Children's Policy;
6. Update premises description;
7. Changes to layout plan:-
  - (i) To add the newly refurbished permanent structure referred to as "the church" to the plan.
  - (ii) To add the cabin style letting accommodation (7 cabins) and showing the layout of such.
  - (iii) To remove from the plan the non permanent structure known as "the bothy bar".
  - (iv) to have off sales taken from on sale stock shaded blue on the layout plan.
  - (v) The outside drinking area has been increased to include the whole site shown on the plan.

#### **4.0 Background**

- 4.1 On 5 October 2023 the Licensing Board received an application for a major variation of a premises licence from Blessed Skye Ltd t/a The House of Juniper.
- 4.2 The application was publicised during the period 10 October 2023 until 31 October 2023 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, the following timeous notices of representation have been received and are appended:
  1. Representation from Broadford and Strath Community Council received on 16 October 2023 (Appendix 1);
  2. Representation from Environmental Health received on 23 October 2023 (Appendix 2).

Reference to these representations is addressed in the LSO comments at 5.1.

4.6 The applicant and the objectors have been invited to attend the hearing. All have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

## **5.0 Legislation**

5.1 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

5.2 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.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- (i) This application is to update the premises licence to reflect what the premises now offer, to add the “Old Church” as a licensed restaurant, add the cabin style accommodation to the licensed footprint and to increase the licensed footprint to cover the whole site including the siting of a marquee on occasions if required for a wedding or other similar event.
- (ii) Remove the “Bothy Bar catering unit” on the existing plan.
- (iii) There are some other minor changes to the operating plan that are mentioned in the main report.
- (iv) The application complies with the licensing objectives.
- (v) Representation has been made by Broadford & Strath Community Council and Environmental Health in respect of this application.
- (vi) Regarding part of the CC representation as a point of note, the cabin style accommodation units have always been on site, they are purely now being added to the licensed footprint.
- (vii) The refuse and traffic concerns mentioned by the CC unless directly related to the alcohol licensing aspect of the application (may need to be addressed under separate legislation), HLB members will be guided by the Clerk to the Board on these matters.
- (viii) The applicant has already advised they have a refuse control plan in place (secure refuse area).
- (ix) Representation by Environmental Health the LSO view is that the representation by EH is noted by the Board but does not require to go on the premises licence as a condition. (There has been no objections or representations from any other party about concerns of noise and indeed the applicant is very aware of the implications this could have on their paying guests as well as any neighbours and will be managed accordingly).
- (x) The premises have been running for about eighteen months or so with no issues.
- (xi) This venture will create more employment opportunities in the local area.
- (xii) I have no objections to this application.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23

(2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

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

### **8.2 Local conditions**

The existing local condition will continue to apply and no additional local conditions are considered necessary.

### **8.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

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: 14 November 2023

Author: Carol Nicolson

Appendices: Appendix 1 – Representation from Broadford and Strath Community Council received on 16 October 2023;  
Appendix 2 - Representation from Environmental health received on 23 October 2023.

## Appendix 1

**From:** [Hamish Fraser](#)  
**To:** [Carol Nicolson \(Legal Team \(Licensing\)\)](#)  
**Subject:** Re: FW: Application for major variation of premises  
**Date:** 16 October 2023 10:05:36

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**CAUTION:** This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Carol

### **Application for major variation of premises**

Please find below Broadford and Strath Community Councils response a regarding licence application for Juniper House Broadford

At a recent meeting of the Broadford and Strath Community Council, members discussed the above application and agreed that the following concerns should be satisfactorily addressed before this application is approved.

The access and parking provision is not shown on the application plan and it is noted that the present parking and access provision, in this locality, is not suitable and causes congestion issues. The proposal to almost quadruple the capacity of the present arrangement and to add seven cabins along with the addition the newly refurbished permanent structure, referred to as the church, to the plan has the potential to become a serious traffic management problem in this area and needs to be addressed before any capacity plans are approved.

Concerns have been raised over the current refuse storage and refuse collection should the capacity be increased by the numbers indicated in the application. At present, the refuse bins awaiting collection have been reported as not being secure and that there is an escape of waste from them, into the surrounding area. That unacceptable situation must also be sufficiently addressed to deal with the present capacity and the very much increased proposed capacity.

We would suggest that, before this application is considered for approved, that a traffic impact study is undertaken to assess the impact this and other businesses in that locality have on the movement and parking of vehicles in the area including the potential for coach companies seeking access to this development.

Kind regards

Hamish Fraser

## **Appendix 2**

Representation received from Environmental Health on 23 October 2023:-

In relation to this application, please see representation below from Environmental Health:

In relation to entertainment events and weddings, Environmental Health would be looking for the outside areas to be controlled and reasonable efforts made so as to minimise potential noise nuisance to neighbours. Amplified sound should be maintained at a reasonable level and Environmental Health would be looking for inaudibility at the nearest residential homes, depending on the frequency and type of entertainment.