

The Highland Licensing Board

Meeting – 16 September 2025

Agenda Item	9.1
Report No	HLB/71/25

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

Ben Nevis Inn, Achintee, Fort William, PH33 6TE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Winchester Foods Scotland Limited, Ben Nevis Inn, Achintee, Fort William, PH33 6TE.

1.0 Description of premises

1.1 The Ben Nevis Inn is a detached inn-style property located at the foot of Ben Nevis.

2.0 Summary of variation application

2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:

1. Operating plan

Capacity of premises:

- The premises are presently undergoing extension works, with completion anticipated in December 2025. Upon conclusion of the works, the maximum occupancy will increase from 142 to 252 persons.
- There will be no alcohol display area and off-sales will be dispensed from stock room/on-sales stock.

Activities:

- Update the following activities to allow them to take place 'outwith' core licensed hours – restaurant facilities; bar meals and outside drinking area.
- Restaurant facilities/bar meals/outside drinking areas may be utilised outside licensed hours.

Children's Policy:

- Given that the premises are primarily food-led and family-friendly, the application seeks to update the Children and Young Persons policy of the premises to allow greater flexibility in access arrangements for children and young persons.
- As a result of the above-mentioned modification, remove the following local conditions currently attached to the premises licence in relation to children and young persons:
 - a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
 - b. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

2. Layout plan:

Extend footprint of premises to include a two storey extension which will comprise of a new kitchen, office staff room and staff toilet on the first floor, an additional bar plus two toilets and restaurant/seating area downstairs with bifold doors onto a sheltered beer garden.

3. Premises description:

Update description of premises to reflect the above proposed modifications to the Premises Licence as follows:

“The premises is a detached, inn-style property located in a rural setting at the foot of Ben Nevis which comprise a main restaurant area and an overspill restaurant/seating area; (each with a bar counter), an outdoor drinking area and self-catering accommodation.

The premises predominately caters to walkers, climbers and the general tourist market, with a strong emphasis on food service and traditional music ceilidhs. The main area at the Inn features a restaurant with a mezzanine area above. Alcohol within the main building is served from a bar counter which is located near to the toilet area.

The self-catering accommodation offered by the premises is divided into two parts:

- (i) a lower level area comprising a Bunk House, adjacent to an additional bar and an overspill restaurant/seating area that opens onto a sheltered communal beer garden, which is available for use by both residents and diners; and
- (ii) a separate annex known as “The Fank” Bunk House, located immediately to the south of the main building which also features a small outside drinking area.

Together, the self-catering accommodation can host a maximum of 48 residents.

The premises also offer off-sales, which is supplied from the stockroom or on sales stock. There is no designated off-sales display area within the premises, although available products can be seen in chiller cabinets behind the bar counters.”

3.0 Background

- 3.1 On 25 July 2025 the Licensing Board received an application for a major variation of a premises licence from Winchester Foods Scotland Limited submitted by MacPhee & Partners, Solicitors, Airds House, An Aird, Fort William.
- 3.2 The application was publicised during the period 1 August 2025 until 22 August 2025 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 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link: www.highland.gov.uk/hlb_hearings

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 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.

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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The application is within Highland Licensing Board policy;
- (ii) The application is consistent with the licensing objectives;
- (iii) This application is as a result of significant investment by the applicant enabling the enhancement of the premises with high-quality facilities that support the growing hospitality sector;
- (iv) During the consultation process, the Environmental Health Authority sought clarification on potential noise nuisance to neighbouring properties from outdoor drinking beyond core licensed hours. They are satisfied that the proposed local conditions, agreed with the applicant, adequately address this concern and have confirmed they have no objections to the application;
- (v) No objections or representations have been received in respect of this application;
- (vi) I have no objections to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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**

Existing local conditions will continue to apply, and it is recommended that the following additional local condition(s) be attached:

- **Outdoor drinking areas**

m. After 2300 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area;

n(i) No live, amplified or recorded music shall be played in any outdoor drinking area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions 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/0433
Date: 4 September 2025
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