

The Highland Licensing Board

Meeting – 13 January 2026

Agenda Item	6.2
Report No	HLB/04/26

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

Ben Nevis Distillery, Visitors Centre, Lochybridge, Fort William, PH33 6TJ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Ben Nevis Distillery (Fort William) Limited, Ben Nevis Distillery, Lochybridge, Fort William, PH33 6TJ.

1.0 Description of premises

1.1 The Ben Nevis Distillery is situated adjacent to the A82 at Lochybridge on the outskirts of Fort William and consists of a Visitor Centre with a café area on the ground floor and a function suite on the first floor.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

Off sales:

Monday to Sunday: 1000 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) update core on-sale hours to commence from 1000 hours to 2400 hours Monday to Sunday (*currently 1100 hours to 0100 hours*);
- (2) Update any other activities listed at section 5(f) to include the following additional activities: tastings, community events, educational tours and events, sampling and potential use for filming and promotional materials.

4.0 Background

- 4.1 On 23 October 2025 the Licensing Board received an application for a major variation of a premises licence from Ben Nevis Distillery (Fort William) Limited.
- 4.2 The application was publicised during the period 27 October 2025 until 17 November 2025 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, no timeous objections or representations have been received.
- 4.6 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

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) The application complies with the Highland Licensing Board policy.
- (ii) The application is consistent with the licensing objectives.
- (iii) No objections or representations have been received in respect of the application.
- (iv) The variation sought is to allow 'tasting/sampling' to take place from 10:00 am, as opposed to the standard 11:00 am start of traditional on-sales hours. This change is increasingly being sought by distilleries as visitor experiences evolve, particularly due to group and minibus/group tours that need to fit multiple activities into their day. Allowing an earlier start benefits both the distillery and visitors/groups.
- (v) The special condition at para 8.3 below is recommended to be attached to the premises licence as is common practice for an application of this type.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

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

Existing local conditions will continue to apply, and no additional local conditions are considered necessary.

8.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (i) Alcohol for consumption on the premises prior to 11:00 am on any day may only be sold to persons participating in a formal tasting or sampling session or to such other persons following on from their participation in a formal tasting or sampling session and a notice to that effect will be displayed on the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 8.3 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/1379
Date: 15 December 2025
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