

The Highland Licensing Board

Meeting – 15 September 2026

Agenda Item	9.2
Report No	HLB/84/26

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

Benleva Hotel, Kilmore Road, Drumnadrochit, Inverness-shire, IV63 6UH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Benleva Hotel, Kilmore Road, Drumnadrochit, Inverness-shire, IV63 6UH

1.0 Description of premises

- 1.1 The Benleva Hotel is situated ½ mile from the centre of Drumnadrochit village, just a short walk from the shores of Loch Ness in approximately an acre of grounds and consists of 11 letting bedrooms, public bar, lounge bar, dining room and small outdoor beer garden.

2.0 Operating hours

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

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday to Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2400 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

- 3.1 On 15 June 2026 the Licensing Board received an application for the provisional grant of a premises licence from Benleva Hotel Limited.
- 3.2 The application was accompanied by the necessary section 50 certification in terms of Planning and Building Standards, together with a Disabled Access Statement.

- 3.3 The application was publicised during the period 29 June until 20 July 2026 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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:

[Highland Licensing Board - 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 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) Application for the grant of a provisional premises licence has been received for the Benleva Hotel, Kilmore Road, Drumnadrochit. The Benleva Hotel is a small country hotel with 11 letting bedrooms, public bar, lounge bar/dining room situated in its own substantial grounds in a semi-rural location with nearby residential dwellings. The premises have previously held a premises licence which was surrendered in February 2025, as a result of the premises having ceased trading and lain empty for over a year.

(ii) Application has been made within the application to permit the sale of alcohol as follows:

On Sales – Sunday to Thursday - 1100 hours to 2400 hours
Friday to Saturday - 1100 hours to 0100 hours

Off sales - Monday to Sunday: 1000 hours to 2200 hours

(iii) The application has been submitted with the necessary Section 50 Certificate relating to planning. A Disabled Access statement and acceptable layout plans have also been submitted.

(iv) The premises are suitable for the sale of alcohol as described within the application.

(v) The LSO has reviewed the proposed operating plan and is of the opinion that it complies with the 5 licensing objectives. The application complies with the permitted hours allowed within the Licensing (Scotland) Act 2005 and also with current Board Policy.

(vi) During the public consultation phase of this application three objections/representations were received from owners of nearby properties.

In summation, these objections related to late licence social related issues and increased noise as the main concerns from the previous operations at the premises. It would appear that the majority of these issues of late-night noise

stemmed from the outdoor drinking area which had no conditions attached to the previous licence, therefore, it was not uncommon for the outdoor area to be used late into the evening and on occasion in the early morning.

Following discussion with the agent, on behalf of the owner, he consulted with his client who confirmed that he was open to a compromise of 2100 hours for the use of the outdoor drinking area to alleviate the concerns of nearby residents with regard to late night noise in the vicinity of the outdoor drinking area.

Following discussion and confirmation of the owner's compromise and recommended conditions with the objectors the objections to the application have been withdrawn.

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

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

(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 the children of the licence holder or children who are resident on the premises.

(c) Notwithstanding condition (b) children must not sit or remain at the bar counter at any time.

(l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

(m) After 2100 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

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

(o) The licence holder shall ensure that consumption of drinks (alcoholic or no-

alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

(p) The licence holder shall ensure that all outdoor tables are regularly cleared of used glassware, crockery, cutlery and refuse.

7.3 Special conditions

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

- The premises licence holder shall ensure adequate supervision of patrons using the curtilage of the premises for smoking so that no noise nuisance is caused to nearby residents.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras. 7.2 and 7.3 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/INBS/725
Date: 2 September 2026
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