The Highland Licensing Board

Meeting – 1 December 2026

Agenda Item	**7.1**
Report No	**HLB/103/26**

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

Ben Nevis Bar and Restaurant, 103 High Street, Fort William, PH33 6DG

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 Bar Trading Company Limited, 1 Railway Pier, Oban, PA34 4LN.

1.0 Description of premises

1.1 The Ben Nevis Bar and Restaurant is situated on the High Street within the town centre of Fort William.

The premises comprise restaurant dining areas, a small specialist whisky bar, and an outdoor drinking and dining area located on a raised deck to the rear of the premises.

2.0 Current operating hours

No changes are proposed to the 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: 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) **Local Condition**

The applicant seeks to remove the following local condition:

"Miscellaneous (x): Dartboards and pool table will be situated in a location of the premises approved by the Licensing Standards Officer."

(2) **Operating Plan**:

The applicant seeks to amend the Operating Plan as follows:

- Remove Gaming activity from operating plan outwith core hours;
- Outwith core hours at Q5 – amend narrative to remove sentence referring to gaming following removal as an activity outwith core hours;
- Section 5(f) Any other activities - amend narrative to remove sentence "During quieter periods, particularly in the winter, a pool table may be located in the premises for the use by patrons";
- Capacity at Q7: increase from 439 to 475 persons.

(3) **Layout Plan**

An amended layout plan has been submitted to reflect:

(i) The new extension to the restaurant seating area located on the left-hand side of the premises; and
(ii) the removal of the outdoor seating area on Fort William High Street.

(4) **Description of premises:**

The description of the premises is to be updated to reflect the restaurant extension and the removal of the outdoor seating area on Fort William High Street as follows:

"The premises is located on the High Street in the town centre area of Fort William.

The ground floor of the premises consists of restaurant areas, including a newly constructed extension adjacent to the small specialist Whisky Bar. This area will be used primarily for dining and private functions.

The upper floor of the premises consists of staffing facilities, a kitchen, an office and customer toilets."

The premises also provides external eating and drinking facilities on a raised deck to the rear of the premises.

4.0 Background

4.1 On 22 September 2026 the Licensing Board received an application for a major variation of a premises licence from Ben Nevis Bar Trading Company Limited.

4.2 The application was publicised during the period 19 October until 9 November 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 premises is as described at paragraph 1.1 above.

(ii) The application is within Highland Licensing Board policy.

(iii) The application is consistent with the licensing objectives.

(iv) No objections or representations have been received in respect of the application.

(v) Current local and specific conditions attached to the Premises Licence are to remain in place.

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**

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/0432
Date: 18 November 2026
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