| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1344Responded to: 06 June 2025 |
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Your recent request for information is replicated below, together with our response.

**I am writing to request the following information under the Freedom of Information (Scotland) Act 2002 regarding Garibaldi’s Nightclub in Edinburgh:**

**1. Complaints and Incident Reports - Please provide a list of all complaints or incidents reported to Police Scotland relating to Garibaldi’s Nightclub between 1 January 2021 and the present date.**

**For each entry, please include (if available):**

**- Date of incident or complaint**

**- Type of complaint (e.g. noise, assault, drugs, underage drinking)**

**- General outcome (e.g. no action, warning, arrest, referred to Licensing Board)**

**I am not requesting any personal data or names.**

**2. Police Attendance - Please confirm how many times police attended or were called to Garibaldi’s Nightclub (or directly outside it) during the same period. If possible, break this down by year and general reason for attendance.**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

* Section 34(1)(b) - Investigations by a Scottish public authority
* Section 35(1)(g) in conjunction with (2)(c) - Prejudice to the exercise of functions
* Section 35(1)(a)&(b) - Prejudice to law enforcement

I would stress first of all that Police Scotland would not ordinarily disclose information regarding incident or crime data and/or the licensing processes associated with any particular licensed premise.

Disclosure would prejudice Police Scotland substantially in ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

Licensing legislation imposes a duty on the police to report to a Licensing Board any matter which would affect the suitability of a Licence Holder or other person to supervise licensed premises effectively.

This duty involves the supervision of licensed premises by way of routine visits to ensure legislative requirements are complied with and in response to specific complaints and incidents.

Furthermore, the Police Scotland Licensing Department monitors incidents at licensed premises and takes appropriate action on areas of concern.

Where Officers from Police Scotland attend licensed premises as a result of a call from premises staff or any other person, this is recorded on the incident management system. The majority of these incidents are reported by the premises staff and rarely have a significant impact on the premises.

The Police Scotland Licensing Departments scrutinise each of these incidents and engage with the relevant premises to address any areas of concern.

It is crucial that the licensed trade feel they can co-operate with the police and that incidents are reported timeously. If Police Scotland were to release statistics on the frequency of incidents, this may have a detrimental impact on specific premises.

As detailed above, the disclosure of the information requested may result in licence holders/staff failing to contact the police when crimes happen in or near to their premises.

Police Scotland relies on the co-operation of the license holders and their staff to report any relevant matters of concern, or any crimes they witness to the Service without delay.

If we were to release these statistics then it would follow that license holders, in general, would again be reluctant to inform the police of offences which occur within or near to their premises, seek advice in relation to their premises or encourage the police to visit.

As such, these crimes would go unreported, thereby prejudicing substantially the prevention and detection of crime and the apprehension or prosecution of offenders.

This would harm both the Police Service, as it would be harder to detect and solve crime and would also harm the wider community, as crimes within or near to licensed premises would go undetected, increasing the risk to the community as a whole from crime.

It can be argued that accountability, public awareness and public participation would favour disclosure.

That said, the applicability of the above exemptions, the interest of third parties, the efficient and effective conduct of the Service, the flow of information to the Service and the overall safety of the wider community clearly favour non-disclosure of the information.

Further, I would ask that you note that there are existing procedures and legislation in place to address issues of concern at licensed premises.

Local authorities work alongside the police and licence holders to address any issues of concern and, if necessary, make the appropriate submissions to the area Licensing Boards. Any reluctance to report incidents such as disorder and violence would have a direct impact on public safety.

Such data are not necessarily a good indication as to how well, or otherwise a premise is managed.

Should data be misinterpreted there is the possibility the public may have an ill-informed negative perception of a specific premises.

Where a large number of incidents could be perceived as detrimental this may result in an entirely undeserved economic impact damaging the viability of a business.

There is a risk that this might damage the relationship with the licensed trade and as a result there could be a reluctance to report future incidents for fear that each incident is seen as detrimental to the reputation of a premises.

Licence holders would fear the level of police activity would attract negative publicity and lead to formal action by the Licensing Board.

**3. Licence Review Report - Did Police Scotland submit a report to the Edinburgh Licensing Board regarding Garibaldi’s Nightclub in 2024?
If so, please confirm the date it was submitted and the general reasons or concerns outlined.
If the report itself cannot be disclosed, please provide any summary or redacted extract that can be shared.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. By way of explanation, no report was submitted to the licensing board regarding Garibaldi’s Nightclub in 2024.

**4. Correspondence with the Council - Please provide copies of correspondence between Police Scotland and the City of Edinburgh Council about Garibaldi’s Nightclub from 1 January 2023 to 31 December 2024.
This includes emails or letters relating to its operation, complaints, or licensing concerns.**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that all of the exemptions outlined above would apply, as would:

**Section 33(1)(b) - Commercial Interests**

Disclosure would prejudice substantially the commercial interests of any person. In terms of the legislation a Person includes a public authority, company and partnership.

Commercial interest is not defined in the Act, however, a person’s or organisation’s commercial interests will usually relate to the commercial trading activity they undertake, commonly for the purpose of revenue generation and this activity will normally take place within a competitive environment.

In this instance, the correspondence held is considered to be commercially sensitive.

**Public Interest Test**

There are a number of arguments in support of disclosure for example, disclosure of the requested information would allow greater scrutiny of the way local authorities work alongside the Police and licence holders to address any issues of concern.

Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money. In order to do this, it is essential to maintain working relationships with companies we work with.

As such, Police Scotland will not disclose any information that would impact public safety. The public interest would not be served if it were no longer possible to engage companies if they believed that working with Police Scotland would result in their confidential information being released**.**

Any reluctance to report incidents such as disorder and violence would have a direct impact on public safety.

Accordingly, such information will not be disclosed whilst remaining relevant.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.