| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2397  Responded to: 06 October 2023 |
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Your recent request for information is replicated below, together with our response.

## I am emailing as there is a planning application for a 'hotel' in my town, which will act as temporary housing for the council. The company which is seeking planning for change of use of the building, also owns another building in the town. They currently use this other building for temporary housing and I believe they privately manage this. I am looking to find information on the social impact this set up has on the surrounding area.

## I have never investigated anything like this before and I'm not sure if I'll be able to access any relevant information?

## I am hoping the freedom of information act will allow you to send information relating to any police call outs to the building 'The Kaim Park Hotel, 17 Edinburgh Road, Bathgate, EH48 1EP'.

## Any information relating to breach of the peace, violence, illegal activities including drugs would be very helpful. I would use the information to build a case in the hope the council will rejected the current application. As the location of the building is next to a nursery, school, soft play, GP surgery and food outlets and I believe it is not fit for purpose.

I am refusing to provide you with the information sought and, as such, section 16 of the Act requires Police Scotland to provide you with a notice which:

(a) States that it holds the information,  
(b) States that it is claiming an exemption,   
(c) Specifies the exemption in question and   
(d) States, if that would not be otherwise apparent, why the exemption applies.

The exemptions I consider to be applicable are:

* 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 of the information requested 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.

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](mailto:foi@scotland.police.uk) 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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) 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.