

Our Ref: IM-FOI-2022-1453
Date: 03 August 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Number of crime reports regarding the following Edinburgh venues from 2016 to 2020:

- **Baby Dolls**
- **Burke & Hare**
- **The Western**
- **Bourbon Edinburgh**
- **The Hive Club**
- **The Shanghai Club**

The type of crime each report concerned (ie sexual assault, battery, GBH, theft etc)

If available, the gender of the alleged victim

The above requested information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

Section 35(1) (g) & (2) (c) - Law Enforcement

The disclosure of the information requested would, or would be likely to, prejudice substantially the exercise of any public authority 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.

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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.

This is a non-absolute exemption and requires the application of the public interest test.

Section 35(1) (a) & (b) - Law Enforcement

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.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39(1) - Health, Safety and the Environment

The information is considered exempt as disclosure would, or would be likely to endanger the physical or mental health or the safety of an individual.

If, as described above, a licence holder and members of their staff fail to report crimes or offences which happen on or near to their premise, then, as stated, many crimes would go unreported.

The safety of the customers within the establishment, the staff, and also the wider community would then be compromised.

Police Scotland cannot release information that would be detrimental to the safety of the public.

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This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

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 statistics are not necessarily a good indication as to how well, or otherwise a premise is managed. Should these statistics 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.

Should you require any further assistance please contact Information Management - Dundee quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

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As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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