| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1628Responded to: xx July 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## In respect of the area covered by the Merchant City & Trongate Community Council and specifically relating to the problem of amplified noise from buskers in the Glasgow city centre:

## 1. In the year to 30th May 2012, how many of the following were handed out to buskers;

## a) cautions

I can advise you that Police Scotland does not hold any of the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the terminology ‘caution’ relates to various English regulations and does not translate to Scottish processes.

## b) penalty notices

Having considered your request in terms of the above Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, this information is not held in an automated or easily retrievable format. All Fixed Penalty Notices issued in the area would have to be identified and manually checked (including all officer notebooks, ticket books and other police systems) to establish the level of detail recorded (e.g. whether a breach of the peace involved the individual busking at time).   As illustrated by our [published statistics](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/), this would involve individual assessment of a vast number of reports - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

## 2. How many of these were repeat offenders?

## 3. How many seizures of buskers’ equipment were there?

It follows that the section 12 cost exemption provided in response to Q1b) above applies to both Q2 and Q3.

## 4. How many complaints about noise from buskers were received from members of the public on 101 or directly to police officers?

The section 12 cost exemption also applies to the information requested at Q4 as there is no way of searching STORM for busking incidents specifically.

To explain, when an incident is reported to Police Scotland and recorded on the STORM incident recording system, one or more classification is assigned to it, depending on the nature of the incident described. This is in order to categorise, identify and prioritise incidents reported to Police Scotland.

In terms of ‘busking’ this is most likely recorded as a ‘noise’ or ‘disturbance’ incident but all potentially relevant incidents would have to be read to ensure the requested data was captured accurately.

## 5. Do police officers carry noise meters?

Officers do not carry noise meters in the course of their general policing duties

## 6. On a wider front what does Police Scotland regards as the maximum legal decibel limit?

I can advise you that this information is not recorded, and under Section 17 of the Freedom of Information (Scotland) Act 2002 I must inform you that we do not hold the information requested.

To explain, there is no recorded Police Scotland policy in respect of the maximum legal decibel limit.

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](http://www.itspublicknowledge.info/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.