| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2498  Responded to: 22 September 2025 |
| --- | --- |

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

**I am writing to request information under the Freedom of Information (Scotland) Act in relation to an incident that occurred at Captain’s Cabin, Dundee, on Saturday 2 March 2024. Specifically, I am seeking access to recorded information held by Police Scotland concerning licensing enforcement, incident handling, operational procedures, and internal communications. (References removed).**

**I request records of any licensing enforcement actions taken regarding Captain’s Cabin between January and April 2024, including confirmation of whether the venue was logged in the InnKeeper system following the incident.**

**I also seek internal communications or reports discussing licensing concerns or breaches at the venue**

**I request any correspondence between Police Scotland and the local Licensing Board regarding Captain’s Cabin. I also seek records of any risk assessments or internal reviews conducted in relation to the venue.**

**Finally, I request access to internal emails, memos, or briefings discussing the incident at Captain’s Cabin, any records of complaints or concerns raised internally about the handling of this case.**

In terms of section 18 of the Act, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland. Bearing in mind that FOI disclosures are essentially public disclosures, the public interest overwhelmingly lies in protecting individual’s rights to privacy and the integrity of any police investigations.

If the information was held, it would be exempt from disclosure in terms of the following exemptions:

## Section 38(1)(a) - Personal Data (applicant’s own)

## Section 38(1)(b) – Personal Data (Third Party)

If the information was held, it would be exempt from disclosure. In this instance, Sections 38(1)(a) and 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested your own personal data and third party personal data, the disclosure of which would contravene the data protection principles set out in the Act.

## Section 34(1)(b) – Investigations

## Section 35(1)(g) in conjunction with (2)(c) – Prejudice to the exercise of functions

## Section 35(1)(a)&(b) – 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, or details of specific 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 the requested information 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 favours non-disclosure of the information.

**Guidelines or operational procedures used by officers regarding licensing enforcement and duty of care in licensed premises.**

**Further, I request copies of Police Scotland’s standard operating procedures for handling incidents in licensed premises, procedures for reporting licensing breaches and initiating enforcement actions.**

I can confirm that 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 section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available via the following link:

[Licensing National Guidance](https://www.scotland.police.uk/spa-media/ozdjt0z1/licensing-national-guidance.doc)

Please note, information has been redacted from the document due to its being exempt in terms of section 35 of the Act.

**Copies of the Chief Constable’s annual licensing report submitted to the Licensing Board for the relevant period.**

I can confirm that 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 section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available on the Dundee City [website](https://www.dundeecity.gov.uk/licensing/liquor-licence-applications-licensing-scotland-act-2005-overview).

A direct link to the relevant report is below:

[Chief Constable’s Report to the Licensing Board 2023-2024](https://www.dundeecity.gov.uk/sites/default/files/publications/chief_constables_report_dundee_2023-2024.docx)

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.