

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** FOI-17-0012 - City Wardens  
**Date:** 18 January 2017 08:24:28  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 4 January 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**We have been consulted by clients in relation to the Aberdeen City Wardens Service.**

**So that we can properly advise our clients it would be helpful if you could let us have some information.**

**The documentation provided by the Council makes reference to the "enforcement powers" available to City Wardens. Regretfully, we can find nothing in the documentation which sets out exactly what these enforcement powers are nor does it reference where they can be found.**

**Can you let us have this information?**

**Clarification: The documentation "provided by the Council" is simply the documentation which can be viewed and/or downloaded from the Council's website. We have no other documentation.**

**This documentation makes reference to "enforcement powers" but doesn't say what they are nor does it say where the legislation governing these powers might be found. As a starting point, I should like to have this information from you. I don't need to have copies of the legislation but it would be helpful if you could point me in the correct direction.**

The enforcement powers referred to in the documentation are those set out in The Road Traffic Act 1991 (RTA 1991). That Act allows Local Authorities to set up and operate a decriminalised parking enforcement regime. Section 43 of and Schedule 3 to the RTA 1991 enables Local Authorities outside London to apply to the Secretary of State for orders creating 'Permitted Parking Areas' (PPA) and Special Parking Areas' (SPA). The Road Traffic (Permitted Parking Area and Special Parking Area)(Aberdeen City Council) Designated Order 2003 permits on street parking (such as Pay and Display or Residents parking) and contraventions of waiting restrictions to be enforced by Aberdeen City Council.

Further guidance is available from the Department of Transport in association with the Welsh Office in Circular 1/95 – titled "Guidance on Decriminalised Parking Enforcement Outside London." This document contains information on the setting up of a decriminalised parking enforcement operation (outside London) and includes legislation, process of applying for PPA and SPA status, issue of PCN's, appeal process, removal of vehicles and staff issues – training, uniform etc.

This is the only guidance available to Scottish Local Authorities on decriminalised parking enforcement in respect of the RTA 1991.

**Our clients have questioned why the City Wardens wear uniforms which, at first sight and to the uninitiated, make them look like police officers. Clearly, the City Wardens are not police officers and don't have the powers available to police officers.**

**One assumes that the decision as to the uniform worn by City Wardens is made by Aberdeen City Council or perhaps it is a Scottish Government initiative. If you are able to clarify the position that would be helpful.**

Chapter 7 of Local Authority Circular No 1/95 contains information regarding the uniform to be worn by parking attendants:

7.16: Section 63A (40) of the Road Traffic Regulation Act 1984 requires parking attendants in London to wear such uniform as may be determined by the Secretary of State and to do so when carrying out 'prescribed' functions.

7.17: The Secretary of State has determined that London parking attendant's uniforms must be readily distinguishable from Police and Traffic Warden Services and must include:

1. Clear identification that the wearer is a parking attendant
2. Clear identification of the Local Authority on whose behalf the parking attendant is acting
3. Personalised number to identify the parking attendant – which may contain letters and numerals.

7.18: The 'prescribed' functions to which the requirement to wear a uniform applies are the issuing of PCN's and the authorising/towing of vehicles within a PPA/SPA.

7.19: The Secretary of State believes that corresponding requirements concerning the wearing of uniforms by parking attendants should apply outside London.

7.20: It is also recommended that parking attendants wear a form of headgear to aid identification by members of the public.

There is also a similar section on uniform in the November 2015 guidance document issued to Local Authorities in England and Wales.

Apart from the above there is also a Health and Safety legislation requirement for anyone working at or near a live carriageway to wear Hi-Viz clothing including specified amounts and configuration of reflective strips.

**Our clients are also concerned to note that City Wardens wear body cameras. The use of body cameras has serious privacy implications and, the jury is very much out on whether they have any meaningful effect on either the behaviour of the individual wearing the camera and/or any individual being recorded by the camera. It would be helpful if you could let us have a statement of the policy applying to the use of these cameras by City Wardens and specifically, in relation to**

- a) **under what circumstances are they used e.g. are they recording at all times or are they operated at the discretion of the City Warden in question and, if the latter, what guidance is given to the City Wardens;**

The use of Body Worn Video (BWV) was agreed by Aberdeen City Council in 2011, this included a Privacy Impact Assessment prior to the BWV being introduced. There is a Body Worn Video (BWV) Procedures document which provides staff with guidance on the operation of BWV. The decision to activate the BWV is one made by the Warden at the time having regard to the incident occurring before them.

**b) where, by whom and for how long is the footage recorded by these cameras retained and who has access to it and**

Senior Wardens are only the ones with the authority to access footage on the device. Footage is retained for a 28 day period, unless there is a reason to retain it for longer (such as it relates to an offence or is part of a live Police enquiry).

**c) what security is in place to prevent this footage from being accessed by any "unauthorised" party.**

Each file carries a unique identifier and is time and date stamped throughout. Once recorded, the encrypted files cannot be deleted or corrupted by the operator, or indeed viewed by an unauthorised person without access to the secure software, it is not possible to review video files whilst on patrol.

We hope this helps with your request.

Yours sincerely,

Grant Webster  
Information Compliance Officer

**INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

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