POLICY FOR THE CLAMPING OF VEHICLES

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<tr>
<td>Original Date</td>
<td>October 2005</td>
<td>Equality assessment done</td>
<td>Initial screening – No</td>
</tr>
<tr>
<td>This Revision</td>
<td>February 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Next Review Date</td>
<td>August 2007</td>
<td>Review Body</td>
<td>JNC</td>
</tr>
<tr>
<td>Approved by</td>
<td>Management Board</td>
<td>Policy Number</td>
<td>CP20</td>
</tr>
<tr>
<td>Date of Approval</td>
<td>March 2007</td>
<td>Classification</td>
<td>Corporate Policy</td>
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1. **INTRODUCTION**

This policy applies to all car parking users to include staff, patients, visitors and contractors. Any vehicle parked in breach of the regulations as outlined in Section 4 may be clamped and charged a release fee.

The Private Security Industry Act 2001 outlines a system for the statutory regulation of the private security industry. The enforcement date for Vehicle Immobilising of 28 February 2005 requires anyone involved with immobilising, blocking in or towing away a vehicle on private land against a release fee to be licensed. Licensable activities include:

- Attaching a wheel clamp to immobilise a vehicle
- Attaching any other apparatus, instrument or gadget designed to immobilise a vehicle
- To re-locate a vehicle which is causing a serious obstruction

This policy has been prepared in order to define and clarify practices and guidelines involving vehicle immobilising (normally known as clamping).

This includes an Appeal against Immobilisation Form (Appendix 2) in the event of any dispute between nominated staff of the Ceredigion and Mid Wales NHS Trust and an aggrieved motorist. The service will be managed by Facilities Directorate and any appeals against decisions will be forwarded to the Director of Nursing & Patient Services.

2. **DEFINITION**

For the purpose of clarity the following definitions apply in this guideline:

- Wheel clamping – means “the immobilising of a vehicle by attaching a clamp to restrict the vehicle’s movement”

3. **WARNING NOTICES**

Where a vehicle is found to be parked in breach of the Trust’s Traffic and Parking Regulations as listed in Section 4, a warning Notice may be issued at the discretion of the licenced vehicle immobilising officer. Please see Appendix 3 for an example of a warning notice.
4. **VEHICLE CLAMPING**

Vehicles may be clamped without warning at the discretion of the Vehicle Immobilisers where the vehicle:

4.1 **Is causing a serious obstruction:**

- Causing a serious obstruction or likely to cause danger to include being parked at restricted areas or controlled zones. (Every effort will be made to contact the driver of the vehicle; alternatively a supervised attempt will be made to re-locate the vehicle to a safe location).
- Parked adjacent to a fire exit or access used by emergency vehicles

4.2 **Is not causing a serious obstruction:**

- Parked in a specially reserved parking bay (e.g. for disabled people) without displaying an appropriate disabled badge
- When a valid parking permit issued by the Trust is not displayed
- Not displaying a valid Pay and Display ticket
- Parking on double yellow lines
- Parking in designated loading bays
- Causing any obstruction to the Park and Ride Service

In the event of a vehicle being immobilised:

- The vehicle will be photographed appropriately before and after to show the contravention
- Before attaching a clamp, photograph the area of the car to which the clamp is to be fitted
- Attach a clamping notice to the vehicle
- Record details of the event including vehicle make and registration, the exact location where the vehicle was clamped, date and time of incident

In deciding to clamp a vehicle consideration must be given to the safety of other road users and the immobilising officers. Every effort will be made to contact the driver of the vehicle.

5. **VEHICLES EXEMPT FROM CLAMPING**

The following vehicles shall not be clamped or removed under any circumstances:
Vehicles that have paid legitimately for parking and have overstayed the paid for time by less than 30 minutes and are not committing any other breach of the Trust’s Traffic and Parking Regulations as listed in Section 4

- Marked vehicles used by the ambulance, fire, coast guard, police or any other emergency service
- Vehicles displaying a valid disabled badge

6. PROCEDURES

6.1 The driver must complete and sign the release form (see appendix 1) before the clamp can be removed.

An invoice will be duly issued for payment and will have the following information attached:

- Ceredigion and Mid Wales NHS logo
- Address and telephone number of the Hotel Services Manager
- Details of the vehicle being released
- Location and nature of the contravention
- Date and time of clamping
- Name and Security Industry Authority licence number of vehicle immobilising officer
- Full invoice amount
- Clamping logo

6.2 Following the removal of a clamp, photograph the area of the car where the clamp was fitted.

6.3 The clamping release fee is set at £25.00 and an invoice will be sent out by the Trust to the driver of the vehicle requesting payment.

7. RELEASE TIMES

Drivers whose vehicle have been immobilised should be able to recover their vehicle between 08:00hrs and 22:00hrs and release undertaken as soon as possible once the release form has been satisfactory completed. (See Appendix 1).
8. **APPEAL PROCEDURE**

Where a driver disputes the application of a clamp, the Vehicle Immobilising Officer should explain immediately why a clamp was applied. Where the driver continues to challenge the immobilisation, he/she will be invited to send in a written appeal against the decision to clamp.

Appeals process requires that the complainant:

- Firstly completes the clamping release form (Appendix 1) to secure the release of the vehicle
- Completes an Appeal to Vehicle Immobilisation form (Appendix 2) which must be received within 14 days of immobilising
- The Director of Nursing & Patient Services must respond in writing within 21 days informing the driver of the decision. Should the appeal be successful, any monies paid will be refunded
- If the complainant is not happy with the outcome of the appeal, they can be referred to the Security Industry Authority (as outlined on Appendix 2)
- A record of all appeals received must be retained for a minimum of two years

9. **UNAUTHORISED REMOVAL OF A CLAMP**

If a clamp is removed or damaged without authority, the issue will be formally reported to Dyfed Powys Police.

10. **REPEATED DISREGARD OF TRAFFIC & PARKING RULES BY STAFF**

Where staff persistently disregard the traffic and parking rules they will be reported to their line manager and the Trusts’ Disciplinary Procedure may be invoked.

11. **TRAINING AND AWARENESS**

All staff will be made aware of this policy upon commencement with the Trust at either the Trust or the departmental induction. Copies can also be viewed on the Trust’s Intranet or obtained via the HR department. Training of such policies may also be provided at HR training sessions which all staff will be informed of via Hysbysrwydd or their line manager in advance.

12. **EQUALITY**

The Trust recognises the diversity of the local community and those in its employ. Our aim is therefore to provide a safe environment free from discrimination and a
place where all individuals are treated fairly, with dignity and appropriately to their need. The Trust recognises that equality impacts on all aspects of its day to day operations and has produced an Equality Policy Statement to reflect this. All policies and procedures are assessed in accordance with the Equality initial screening toolkit, the results for which are monitored centrally.

13. **DATA PROTECTION ACT 1998**

The Data Protection Act 1998 protects personal data (for a definition and more information see the Data Protection Policy), which includes information about staff, patients and carers. The NHS relies on maintaining the confidentiality and integrity of its data to maintain the trust of the community. Unlawful or unfair processing of personal data may result in the Trust being in breach of its Data Protection obligations.

14. **FREEDOM OF INFORMATION ACT 2000**

Any information that belongs to the Trust may be subject to disclosure under the Freedom of Information Act 2000. From the 1 January 2005, the Freedom of Information Act 2000 allows anyone, anywhere to ask for information held by the Trust to be disclosed (subject to limited exemptions). Further information is available in the Freedom of Information Act 2000 Policy.

15. **RECORDS MANAGEMENT**

Records are created or received in the conduct of the business activities of the Trust and provide evidence and information about these activities. All records are also corporate assets as they hold the corporate knowledge about the Trust. The Trust has a Records Management Strategic Framework and a Records Management Policy for dealing with records management that are consistent with:

a) WHC (2000) 71 – For the Record: Managing records in NHS Trusts and Health Authorities


Compliance with and the application of this policy will ensure that the Trust’s records are complete, accurate and provide evidence of and information about the Trust’s activities for as long as is required.

16. **REVIEW**

This policy will be reviewed in six months time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.
17. **MONITORING**

Details of all grievances received in respect of the application of this policy will be recorded and reported on periodically to both the Management Board and the Trust Board.

18. **DISCIPLINE**

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the Trust’s disciplinary procedure.

19. **SIGN OFF**

Signed on behalf of the Staff Side

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Signed on behalf of the Management Side

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CLAMP RELEASE FORM

Date: ____________________________

Name of Vehicle Driver

__________________________________________

Address

__________________________________________

Post code: ________________________________

Car Reg. No: ______________________________

Telephone Nos: (home)

__________________________________________

(mobile)

__________________________________________

Name of company (if applicable)

__________________________________________

I agree to pay the Ceredigion & Mid Wales NHS Trust £25 (subject to my right of appeal within 14 days of clamping) for the removal of a wheel clamp issued to me for illegal parking on the Trust site on the ________________ (date) at _____ (time).

The clamp has been removed with the understanding that I will pay the above sum within 28 days of the issuing date.

Signature of Vehicle Driver: ____________________________ Date: ____________________________

Signature of Immobilising Officer: ____________________________ Date: ____________________________
APPEAL FOLLOWING VEHICLE IMMOBILISATION

Name: ..............................................................................................................
Address: ............................................................................................................
Town: ...................................................................................................................
Post Code: .........................
Day time contact telephone: .................................................................

Registration Mark of Vehicle: ...........................................
Vehicle Make and Model: ....................................................
Date and time of clamping: ..................................................
Location of clamping: ............................................................

Your comments:
..................................................................................................................
..................................................................................................................
..................................................................................................................
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..................................................................................................................

If you wish to appeal about your vehicle being immobilised you should within 14 days of immobilising send this form or write to:

Mr Stephen Griffiths
Director of Nursing and Patient Services
Ceredigion and Mid Wales NHS Trust
Bronglais Hospital
Caradog Road
Aberystwyth
SY23 1ER

A response to your comments will be sent out in writing within 21 days and if a refund of any fees paid is due, such a response must include that refund.

If you are dissatisfied with any response, please refer your comments to:

Security Industry Authority
50 Broadway
London
SW1H 0SA
Telephone 020 7227 3600
WARNING NOTICE

Your vehicle is parked in breach of the Trust’s regulations for the reason indicated below:

a. □ Parked on double yellow lines
b. □ Not displaying a valid Pay and Display ticket
c. □ Parked in designated loading bays
d. □ Causing a serious obstruction
e. □ Parked adjacent to a fire exit or access used by emergency vehicles
f. □ Parked in a disabled parking bay without displaying an appropriate disabled badge
g. □ Not displaying a valid parking permit issued by the Trust
h. □ Causing an obstruction to the Park & Ride service
i. □ Other _________________________________

You are reminded that traffic control measures will be implemented, which may result in a wheel clamp being applied to illegally parked vehicles.