

Facilities Management from A to Z

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heelclamping

Since 2006 it has been illegal in England and Wales to operate an unlicensed wheel clamping and vehicle removal business and it is illegal for any Landowner to employ an unlicensed Clamping Operator where a release fee is required before a vehicle is released from a wheel-clamp. The rules in Scotland are different. Any individual engaged in clamping on private land must be licensed by the Security Industry Authority (SIA), and should carry an ID card with a unique identifying number.

A Vehicle Immobilisers licence is required if the operative undertakes the moving of a vehicle, the restriction of the movement of a vehicle, the release of a vehicle which has been so moved or restricted, and the demanding or collection of a charge as a condition of any such release of or for the removal of the device from a vehicle.

This means that anyone introducing any kind of vehicle immobilisation, such as clamping, on private land, in England or in Wales, where a fee is imposed for the release of the vehicle, must hold an SIA licence for the "Immobilisation, restriction and removal of vehicles".

When payment is required before a vehicle is released, the wheel-clamper must provide a receipt which includes the place where the vehicle was clamped, their name and signature, their 15 digit SIA licence number from the front of their licence and the date.

A license is not required if a fee is not to be charged for the release of the vehicle. If the facility manager just wants to identify the offending drivers they can immobilise the vehicle with a clamp so that the car owner has to identify themselves in order to get their vehicle released as long as they are not going to charge any kind of fee.

The British Parking Association (BPA) has an Approved Operator Scheme and a voluntary Code of Practice for Vehicle Immobilisation on Private Land, which is valid throughout the UK. The Code requires the provision of proper and adequate signage and the existence of a fair dispute resolution process. It discourages high fees, the use of cash payments and on-the-spot charging.

The BPA Code of Practice can be seen at www.britishparking.co.uk.