

Procedure Title: Wheel Clamping and Appeals Process Procedure

Area Code:	Refer to Document Manual Policy
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Approving Authority:	Chris O Malley, VP Research, Innovation & Engagement and Executive

1. Purpose of Document

Atlantic Technological University Sligo has a wheel-clamping policy on the grounds of Health and Safety, given the indiscriminate parking practices of a minority of car park users. It is a statutory requirement of the University under Health and Safety Act 2005 to maintain the campus as a safe place to work, this includes the management of parking to allow guaranteed access for emergency services to the University at all times. Vehicle clamping activities are regulated by the National Transport Authority Vehicle Clamping Act 2015.

2. Scope

Parking is permitted only in designated parking spaces. All prohibited parking areas are outlined at 4.3.

3. Reference Documents

<https://www.nationaltransport.ie/vehicle-clamping-regulation>.

4. Procedure**4.1 Procedure Description**

The clamping operation will be carried out by two people, a security guard employed by the Security contractor with support from a college porter. The van they will use is clearly marked 'Security'.

Regular campus patrols will be undertaken daily. Incorrectly parked vehicles will be noted and given 20 minutes dispensation, after which the vehicle will be clamped. However, where a vehicle is obstructing traffic it will be clamped immediately.

Set down area parking is for a maximum of 20 minutes. In exceptional circumstances i.e. loading or unloading a vehicle for a longer period of time, or from a restricted area, prior arrangement must be made with security by contacting 087 637 9470.

Clamping personnel will photograph an incorrectly parked vehicle on first sighting, and when applying the clamp. Any existing car damage will be noted prior to applying the clamp. The clamp will be applied to the driver's side front wheel where practicable. A warning sticker notifying the presence of the clamp will be placed on the driver's side rear window. A plastic wallet containing the tickets in duplicate, an advice sheet as to how to have the clamp released, and details of the appeal process will be placed under the driver's side windscreen wiper.

4.2 Wheel Clamp Release Procedure

In order to have the wheel clamp released, a €50 clamping penalty must be paid at the visitor car park payment machine, located in the foyer of the Student Centre (Building H). Follow the on-screen instructions to pay the penalty. The machine will issue a receipt to be retained and shown to Security as proof of payment. Security may be contacted at the main reception, where the release process can commence.

Payment can only be accepted during the following hours:

Monday – Thursday 8.30am to 9.30pm, and Friday 8.30am to 5.00pm.

Payment by Credit / Debit Cards Only

It is a criminal offence to tamper with or forcibly remove a clamp once on a vehicle. Such tampering will result in a severe financial penalty set at €200, along with the €50 clamping penalty, and may lead to disciplinary action being taken. Vehicle registration is recorded and will be held pending recovery of penalty. The vehicle will also continue to be clamped if parked again anywhere on campus, thereby incurring additional €50 penalties for each instance until the matter is resolved.

Only in the event of an emergency, it may be necessary to remove a clamp and temporarily suspend payment of the penalty. In such circumstances the presiding Estates officer would issue a letter to the driver to sign an agreement to pay the penalty within a fixed period. The letter will also state that non-compliance of the agreement will result in legal action, disciplinary action and/or their student login being disabled. Otherwise, the clamp cannot be released prior to the penalty being paid.

4.3 Prohibited Parking Areas

All areas denoted by double yellow lines

- Entrances & Exits
- Loading bays
- Grassed areas
- Footpaths
- Obstruction of other appropriately parked areas
- Obstruction of traffic
- Parking without due consideration to other campus users
- Parking without a valid ticket clearly displayed in the pay & display carpark at Clarion Road carpark
- Parking in Disabled area without a valid permit
- Anyone involved in practices or actions designed to evade the car park tariff or procedures
- Anyone involved in careless or unsafe driving practices

4.4 Times When Clamping Will Apply

The clamping policy applies during all opening hours of the University, and during academic holidays whilst staff, students or others are using the buildings. It will not apply to contractor's vehicles holding a valid restricted area permit to park, authorised under the Universities permit to work system. However, these permits are not an entitlement to a parking space, are not valid in pay and display designated parking spaces or disabled parking spaces.

4.5 Clamping Appeal Procedure

The following is the appeal procedure. The appeal must:

- Be in writing and be posted to the Parking Controller/Vice President of Research, Innovation & Engagement, Atlantic Technological University Sligo, Ash Lane, Sligo or e-mailed to chris.omalley@atu.ie
- Be submitted no later than 60 days from the date of the occurrence of the clamping activity being appealed;
- Give the name, full postal address, email address (if any) and daytime telephone number of the person making the appeal;
- State the registration number of the vehicle involved;
- Include the date and time of the clamping incident,
- Reference the clamping ticket number and attach the pink copy to the appeal;
- Provide an adequate description of the location where the incident occurred;
- State clearly the grounds of the appeal; and
- Include any documentation (e.g. witness statements, photographs, video recordings, parking tickets or receipts, doctor's certificate, maps, plans) considered relevant by the person making the appeal. The appellant should submit only copies of such documentation as submissions may not be returned. The appellant should retain all original documents.

The Parking Controller/Vice President of Research, Innovation & Engagement will consider the matter, make their determination and issue written confirmation of this to the appellant within 21 days of receipt of the appeal.

The Parking Controller/ Vice President of Research, Innovation & Engagement may make one of the following determinations –

- The appeal is allowed and the decision to clamp or relocate the vehicle is revoked;
- The appeal is not allowed; or
- The appeal is not allowed, and the decision is confirmed, but having regard to the circumstances, a decision is made to refund the relevant charge in full or in part.

Where the determination is that the appeal is allowed, or the appeal is not allowed but a full or partial refund of the relevant charge is decided, the appropriate refund must be made by the Parking Controller/ Vice President of Research, Innovation & Engagement to the appellant or the person who paid the charge, as appropriate. This payment should be made at the same time as the notification of the result of the appeal is sent to the appellant.

Where the determination is that the appeal is not allowed but a decision is made to issue a partial refund, the Parking Controller/ Vice President of Research, Innovation & Engagement must include adequate information on how the matter may be appealed at a second stage in the written notification to the appellant of the appeal decision as per the following. A second stage clamping appeal may be made to an Independent Clamping Appeals Officer designated by the National Transport Authority by completing the form for appeal on the NTA website <https://www.nationaltransport.ie/vehicle-clamping-regulation>.

5. Records generated by this Policy

Duplicate copies of tickets issued, and photographs taken before and after applying clamp are retained by Estates.

The Parking Controller/VP Research, Innovation & Engagement will retain all records relating to appeals (1st stage appeals) for a period of not less than 3 years from the date the appeal was determined. These records may be retained in electronic form only.

Payment receipt numbers are recorded in a payment audit schedule, prepared by Estates, and retained for a period of not less than 3 years.

6. Measurement of Effectiveness of this procedure

7. Revision History

Revision No	Description of Change	Issue Date	Status
000	New Procedure	Xx/xx/20xx	Approved by xx
001	To account for P&D carpark and other changes	01/03/2011	Approved by xx
002	To update method of payment, and contact details for the Head of Strategy & Planning.	05/10/2015	Approved by xx
003	Amendment to point 4.4 to apply only in the event of an emergency. Amendment to point 7.0 to appeal only in the unlikely event of being clamped in error.	16/09/2016	Approved by xx
004	To update that a vehicle will be clamped immediately where it is causing an obstruction to traffic. Amendment to point 7.2 to appeal the paid clamping penalty.	11/05/2017	Approved by xx
005	Updated change of Executive approver. Updated 3.3 to include set down area	24/10/2017	Approved by xx

	parking is for a maximum of 20 minutes. Updated 4.2 to include means of payment accepted. Updated 4.3 to include vehicles that have forcibly removed a clamp will continue to be clamped until the matter is resolved. Amended 5.9 Clarion Road is the Pay and Display carpark. Updated 6.1 to include the rules for restricted area permits to park for contractors. Updated 7.2 and 7.3 to the remit of Financial Controller		
006	Updated 7 and 8 to include improvements made by the National Transport Authority to the Vehicle Clamping Act 2015 that came into full effect on 1 st October 2017.	20/03/2018	Approved by xx
007	Updated remit of Vice President of Research, Innovation & Engagement.	21/09/2021	Approved by Executive
008	Replaced institute of Technology Sligo with Atlantic Technological University Sligo throughout document. 4.1 Remove securities extension line as extension numbers are no longer in use. 4.2 Updated payment option. 4.5 Updated Vice President of Research, Innovation & Engagement email address. Updated National Transport website link.	29/09/2022	