Birmingham City Council
Trading Standards

GUIDANCE NOTES FOR PERSONS OPERATING OR INVOLVED IN VEHICLE IMMOBILISATION, THE BLOCKING IN OR TOWING AWAY OF MOTOR VEHICLES FROM PRIVATE LAND.

Private Security Industry Act, 2001

This information leaflet has been produced by Birmingham City Council Trading Standards service. The purpose of the leaflet is to offer advice and guidance to persons who operate, or are involved in, vehicle immobilisation, blocking in or towing away of motor vehicles from private land.

Vehicles can be legally clamped, blocked in and towed away if the law is complied with. Failure to comply may result in legal proceedings.

Who needs a Licence?

Personnel can only be involved in certain activities relating to clamping if they are licensed to do so by the SIA (Security Industry Authority). These functions are:

- Any person attaching a wheel clamp to immobilise a vehicle.
- Any person attaching any other apparatus or gadget designed to immobilise a vehicle.
- Towing away a vehicle with any other apparatus.
- Blocking in a vehicle by any means.
- A director, manager, supervisor and/or operative who provides vehicle immobilisation, blocking in or towing away services.
- Undertaking or instructing employees to vehicle immobilise, block in or tow away from private land. This includes private landowners who do their own immobilising, blocking in or towing away on their own land.
- A volunteer who helps a vehicle immobiliser attach a wheel clamp.

Licence Conditions

Every condition must be met for this section to be applied. If you work without a licence you will be committing a criminal offence, legal proceedings may be instigated against you, which may result in a fine of up to £5,000 and/or 6 months imprisonment.

SIA licences are issued subject to certain conditions. Your licence can be withdrawn or suspended if the conditions are not met.

In addition to holding a valid SIA licence, vehicle immobilisers must observe the following requirements:

1. A vehicle must not be clamped, blocked in or towed away if:
    - a valid disabled badge is displayed on the vehicle.
    - it is a marked emergency service vehicle which is in use as such.

2. Any licence holder who collects a release fee must provide a receipt, which must include the following:
    - the location where the vehicle was clamped or towed.
    - their own name and signature
    - their licence number.
    - the date.

Front-line staff must:

- Wear the licence where it can be seen at all times when working
- Tell the SIA and the police immediately if your licence is lost or stolen
- Tell the SIA immediately of any convictions, cautions or warnings, or charges for relevant offences whether committed in the UK or abroad
- Tell the SIA of any changes to your name or address
- Not deface or change the licence in any way. Should your licence become damaged, you should advise the SIA and request a replacement
- Not wear a licence that has been defaced or altered in any way
- Produce the licence for inspection by authorised personnel when asked to do so
- Return the licence to the SIA immediately if you are asked to do so

Non front-line staff and key holders must:

- Tell the SIA and the police immediately if your licence, which is issued in the form of a letter, is lost or stolen
- Tell the SIA immediately of any convictions, cautions or warnings, or charges for relevant offences whether committed in the UK or abroad
- Tell the SIA of any changes to your name or address
- Produce the letter for inspection by authorised personnel when asked to do so
- Return the letter to the SIA immediately if you are asked to do so
- Not deface or alter the letter in any way

The receipt must also comply with The Business Names Act, 1985 (detailed below).

Signage

The site, on which you operate, should have adequate notices, making it clear that parking is restricted and the subsequent consequences if a member of the public parks there. If it is, for instance, strictly customer parking only, then this information should be clearly stipulated. If restrictions apply at all times, you must state that this includes weekends, including Sundays.

Signage must be clearly visible in daylight and hours of darkness. They must be displayed in very prominent positions. It is recommended that you display

large signs at the entrance to the land, after all the purpose of vehicle immobilisation is to restrict parking on private land.

It should be noted that certain vehicle drivers might not have English as their first language. They may be visitors to this Country. Therefore, in addition to written warnings we recommend the use of pictorial images such as:

Landowner's Permission

It goes without saying that you can only operate any licensed business activity with the authorisation of the land owner.

Receipts

As well as all of the above information being included on the receipt that you give, it must also comply with either The Business Names Act 1985 or in the case of a limited company the Companies Act 1985.

The Business Names Act applies to:

- a company which trades under a name that is not its corporate name;
- a partnership which does not trade under the names of all the partners;
- an individual who trades under a name other than that person's surname, with or without his or her first names or initials.

If you trade under your own name, e.g. John Smith trading as J Smith, you are not covered by the provisions of the Act, but if you add any words other than your initials or forenames, e.g. John Smith trading as Smith's Autos, you are covered.

If the Act applies, you must comply with all the disclosure requirements. You will need to disclose (as appropriate):

- the corporate name;
- the name of each partner, or
- the individual's name, and
- in relation to each person named, an address in Great Britain at which documents can be served effectively.
- The Companies Act 1985 and The Companies (Registrar, Languages and Trading Disclosures) Regulations 2006 (S.I. 2006 No.3429) relates to Limited Companies.
- A company must state its name, place of registration, registration number, registered office address in legible lettering on all receipts

Offences

Legal proceedings may be instigated against you or you may be arrested and charged for a breach of the Private Security Industry Act, 2001.
The offences are detailed below:

- Engaging in licensable conduct without a licence S.3(1)
- Contravention of licence conditions (as detailed previously) S.9(4)
- Employing unlicensed persons in licensable conduct S.5(1)
- Using unlicensed wheel clampers (For landowners who knowingly let unlicensed vehicle immobilisers operate on their land. S.6(1)

This leaflet is for guidance and is not an authoritative document on the law. For further information and assistance, contact the SIA on 08702 430100 or www.the-sia.org.uk or Birmingham Trading Standards, 155/157 Corporation Street, Birmingham, B4 6PH, e-mail tradingstandards@birmingham.gov.uk ,Tel: 0121 303 6031 or visit www.birmingham.gov.uk/tradingstandards.