



Vehicle Clamping Act 2015

Complaints Procedure

June 2021

1. Introduction

The Vehicle Clamping Act 2015 provides for the regulation by the National Transport Authority (NTA) of vehicle clamping activities throughout the State. Among the matters included in the Act is the establishment of a Complaints Procedure (or Procedure) to consider complaints from members of the public.

The NTA has adopted this Procedure in accordance with the Act and all parking controllers and clamping operators are required to fully adhere to the provisions of the Procedure.

There is no fee payable by any person who wishes to make a complaint in accordance with this Complaints Procedure.

2. Glossary of Terms

“Act” means the Vehicle Clamping Act 2015;

“clamp” means a device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

“clamping” means fixing a clamp to a parked vehicle;

“clamping activities” means, clamping, removing a clamp from a vehicle, relocating a vehicle and imposing charges;

“clamping operator” means a person who is authorised by a parking controller to carry out clamping activities on behalf of the parking controller and includes an employee of a clamping operator or any other person engaged by a clamping operator to carry out such activities on his or her behalf and, in respect of clamping activities carried out under section 101B of the Road Traffic Act 1961 (as inserted by section 32 of the Vehicle Clamping Act 2015, includes a clamping officer (within the meaning of that section); and

“parking controller”, in relation to a clamping place, means the person who as regards that clamping place is responsible for enforcement of the law or rules applicable to parking in that place, but does not include a member of An Garda Síochána or a traffic warden authorised in that behalf.

In this document, where a masculine pronoun is used it may also refer to the feminine and vice versa as the case may be.

3. Complaints

3.1 Introduction

Any member of the public may make a complaint in accordance with Section 18(1) of the Vehicle Clamping Act 2015 in respect of any or all of the following-

- The discharge of responsibilities by parking controllers;
- The conduct, behaviour and identification of clamping operators;
- Unnecessary delay on the part of parking controllers or clamping operators in responding to complaints or other communication from members of the public; and
- The identification of vehicles used by clamping operators (including logos, stickers and advertisement on such vehicles).

3.2 Making a Complaint to the NTA

A complaint concerning clamping activities may be submitted to the National Transport Authority for investigation by completing the electronic online form (available at <https://clampingregulation.nationaltransport.ie/Complaint/>) or by requesting a blank form which once completed (in English or Irish) can be submitted via email to clampingregualtion@nationaltransport.ie or by post to:

Vehicle Clamping Regulation Section, National Transport Authority, 1st Floor, Dún Scéine, Harcourt Lane, Dublin 2.

If you wish to receive correspondence via email, please ensure that the email address clampingregulation@nationaltransport.ie is added to your address book to avoid correspondence entering your junk/spam email folder.

The NTA carries out its functions regarding the consideration of complaints entirely independently of the parking controller and its determinations are influenced only by the statutory obligations of the parties concerned and the principles of impartiality, fairness, and consistency of approach. Complaints must be made to the NTA within 60 days of the occurrence of the incident(s) which is led to the submission of a complaint.

The submission of a complaint should be fully comprehensive and includes all matters relevant to the complaint. The complainant may include witness statements, photographs, video recordings, maps, plans etc. with the complaint submission. Only copies of such documentation should be sent as part of submissions.

The submission of supporting information via the online form and by email is restricted to the following formats: JPEG, GIF, PNG, IMG, MP3, MP4, MOV, PDF, DOCX & MSG. The total maximum file size for receiving additional information via the online form is 50 MB and a maximum size limit of 35MB for submission of a written complaint submitted via email. Portable media can also be facilitated subject to the applied antivirus measures. It is

requested that files are attached to email submissions and not embedded in emails. The NTA email server will automatically reject emails incorporating files in EXE, DLL or MSI formats. The NTA server will also reject emails which contain other emails. The NTA will not accept responsibility for the non-receipt of submissions which do not adhere to the above guidelines.

The Vehicle Clamping Regulation Section will endeavour to issue a formal acknowledgement of receipt of the appeal to the appellant within 5 working days of its receipt. However, this timeframe may on occasion be impacted by submission volumes.

3.3 Complaint Process

The complaint will be treated confidentially and considered objectively by the NTA. The NTA will explore all relevant issues and documentation provided by the person making the complaint and where the Authority deems it necessary, it will arrange site inspections and/or interviews with the personnel involved in the incident which gave rise to the complaint.

The NTA may request additional information or documentation in relation to the complaint from the complainant or the parking controller or both if it considers that this is necessary in order to fully understand all the circumstances and Authority will specify a reasonable period within which this information or documentation should be submitted.

The NTA may, at its absolute discretion, decide to interview the complainant, witnesses or representatives of the parking controller or the clamping operator, or it may consider that this is not necessary. There will be no obligation on the NTA to provide a personal hearing in any case.

Failure on the part of any party to comply with reasonable requests from the NTA may adversely affect and/or delay the consideration of the complaint with regard to that party.

The NTA, when considering complaints, may have regard to any previous incidences of complaints concerning the particular location, the parking controller, the clamping operator or the complainant or other such matters, if it considers these to be relevant to the complaint under consideration.

3.4 Complaint Determination

On receipt of the complaint and any further requested information and/or documentation, the NTA will consider the matter, make its determination in writing (in hard copy or electronic form or in both forms) and issue written confirmation of this, together with the reasons for the decision, to both the complainant and the parking controller and the parking controller within 42 days of:

- receipt of the complaint; or
- receipt of additional requested information/documentation; or

➤ the expiry of the period for receipt of additional requested information/ documentation, whichever is the later.

The NTA's decision will be one of the following:

- The complaint is upheld;
- The complaint is partly upheld; or
- The complaint is not upheld.

If the complaint is upheld or partly upheld, the NTA may request the parking controller to-

- Amend procedures to prevent a recurrence of the circumstances which gave rise to the complaint;
- Arrange re-training for the staff involved in the incident;
- Make a small ex gratia payment to the complainant in recognition of any distress, cost or inconvenience that may have been caused by the circumstances which gave rise to the complaint or by the way in which the initial complaint was dealt with by the parking controller; or
- Take such other action as the NTA considers appropriate to address the issue giving rise to the complaint and/or to prevent its reoccurrence.

Where the NTA has made a request that an ex gratia payment be made, this request should be complied with by the parking controller within 14 days of the issue of the decision notification or such other period as the NTA may set out in its determination.

The NTA's determination of a complaint will be final and there will be no further avenue of complaint under this Procedure. The determination does not, however, preclude any party from exercising statutory rights and accessing the courts system.

In cases where a complaint and an appeal of a clamping or relocation decision relate to the same incident, a decision on the complaint will issue only following the completion of the appeal process.

3.5 Records

The NTA will retain all records relating to complaints received for a period of not less than 3 years from the date a decision was made on the complaint. These records may be retained in electronic form only.

4. Note on Enforcement & Proceedings

The NTA is empowered under Part 4 of the Act to appoint persons as authorised persons for the purposes of enforcement of the Act and of regulations and any code of conduct made

under the Act. Where necessary the NTA may take proceedings against parking controllers and clamping operators for breaches of their statutory duties. This action may be taken arising from complaints investigated in accordance with the Complaints Procedure or following independent enquiries initiated by the NTA or otherwise arising.