



# Graduated Fixed Penalty Notices, Roadside Payments & Deposits, Immobilisations & International Summons (Policy & Procedure)

**OFFICIAL**

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January 2019



## Version History

Version 1.0 – November 2012	Initial GFPN Policy
Version 1.5 – June 2015	Policy review. Amended cash receiving process to require use of Body Worn Video
Version 2.0 – January 2019	Amended following DVSA Changes – increase from 3 to 5 for allowable offences, Remove AllPay options Remove Fax process.

# Policy

## Statement

Merseyside Police is committed to maximising the safety of all road users throughout Merseyside. The Road Safety Act 2006 came into force on 1st April 2009 and contains new offences, alters existing procedures and introduces new regulations. These include:

- a) Introduction of Graduated Fixed Penalty Notices.
- b) Deposits and payments for offenders without a satisfactory United Kingdom address.
- c) Prohibition of vehicles following the non-payment of roadside payments/deposits.
- d) Immobilisation of all prohibited vehicles.
- e) Penalty points for non-DVLA licence holders held on DVLA database (removing the need for a physical paper counterpart).
- f) The ability to issue a fixed penalty notice to a non-DVLA licence holder and (other than the need to check authority to drive) not require the authorities to see any driving licence or counterpart, by use of the DVLA database.

## Aims

The main aim of this policy is to make best use of the available legislation to ensure the safety of all road users within the Merseyside area.

The policy is underpinned by procedures that introduce a standard approach to the issue of Graduated Fixed Penalty Notices, requesting and obtaining deposits, and immobilising vehicles.

## Objectives

Associated objectives are to:

- a) Ensure the service provided by Merseyside Police is consistent and fair
- b) Maximise the safety of drivers, the public and any police officers involved
- c) Ensure the welfare of drivers and passengers who are subject to immobilisation
- d) Reduce the risk of litigation

## Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case. Non-statutory policies, including College of Policing APP, provide guidance only. They are 'living documents' and it is recognised that there may be a better way of doing this. Accordingly, if staff depart from a policy but are able to give a good rationale for their actions, and have acted with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported.<sup>[1]</sup>

All uniformed operational officers and staff should be made aware of the policy but the detailed procedure is particularly relevant to those officers who have been authorised to issue graduated fixed penalty notices.

For the purpose of this policy, DVLA issued driving licences will be referred to as 'DVLA' licences rather than the DVLA term of 'UK' licences, to distinguish them from licences issued by the Driver and Vehicle Agency of Northern Ireland, the Department of Transport for the Isle of Man, and licences issued in the Channel Islands.

For the purpose of this policy, references to dangerous goods are to be interpreted in the context of current ADR regulations (United Nations European Agreement regarding carriage of dangerous goods by road).

The Chief Officer Lead for this policy is the Assistant Chief Constable responsible for Protective Services.

## **Outcome Evaluation**

The Head of Roads Policing Unit will introduce measures to determine how successful the policy initiative is and will monitor progress on a routine basis.

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<sup>[1]</sup> This paragraph inserted 16/06/2016 to emphasise appropriate use of discretion. Version number remains unchanged.

# Procedure

## 1. Authorisations

### 1.1 Authorisation of officers to issue Graduated fixed penalty notices

1.1.1 Graduated Fixed Penalty Notices are only to be issued by officers who hold pass certificates in one or more of the following qualifications:

- a) PG9 vehicle examiner and prohibitions officer
- b) City and Guilds level 2 for analogue tachograph or similar qualifications
- c) City and Guilds level 2 for digital tachograph or similar qualifications
- d) Trained and authorised in the weighing of vehicles

### 1.2 Authorisation to issue Graduated fixed penalty notices

1.2.1 Penalty notices are provided to officers in books containing ten (10) notices (a book). These books will only be issued by officers from the Commercial Vehicle Unit under the supervision of the CVU supervisor. These notices will be kept secure by the officers of that department. Details of the serial numbers will be noted on the register and allocated to a specific officer. Once issued, that officer will be responsible for the management of the notice until returned complete to the Commercial Vehicle Unit.

1.2.2 Once a graduated fixed penalty notice is completed the issuing Officer MUST return the CTO copy of the notice to the Commercial Vehicle Unit for recording on the GFPN register. Only authorised officers are to update this database. This notice will then be submitted to the CTO in the usual manner.

### 1.3 Void notices

1.3.1 Where an officer issues a graduated fixed penalty notice in error or has to rescind the notice all 5 parts of the notice MUST be returned to the Commercial Vehicle Unit complete with F104 outlining the reason for this. Once this has been agreed by Commercial Vehicle Unit supervisor the GFPN register will be updated.

## 2. Graduated Fixed Penalty Notices

### 2.1 Satisfactory Address (for service of a summons)

2.1.1 When issuing a Graduated Fixed Penalty Notice, the officer must establish if the driver has given an address that would be satisfactory for the service of a summons, should one be subsequently required, i.e. in the event of non-payment of the penalty.

2.1.2 A satisfactory address is now defined by Section 90A of the Road Traffic Offenders Act 1988 as an address in the United Kingdom where the officer considers it likely that it would be possible to find the offender whenever necessary in connection with proceedings. The deciding factor is residential status, rather than nationality or ethnicity.

2.1.3 Drivers who cannot provide a verified satisfactory address are required to pay a roadside payment/deposit.

## 2.2 Types of graduated fixed penalty notices & when to issue

2.2.1 The graduated fixed penalty ticket is such as it incorporates both endorsable and non-endorsable fixed penalty notices within one ticket. The ticket has a notice type code being '15' for non-endorsable without deposit and 45 for non-endorsable with deposit notices or 10' for endorsable without deposit and 40 for endorsable with deposit notices. There is no necessity to specify the number of points the offence will attract; this is calculated automatically according to offence type.

2.2.2 The tickets also contain five penalty codes, which directly relate to the level of fine. The penalty codes which will be used within Merseyside are as follows:

- '10' - £50 penalty
- '20' - £100 penalty
- '40' - £200 penalty
- '60' - £300 penalty
- '80' - £500 deposit summons only

2.2.3 The notices are available to be issued for further offences in addition to those previously available under the standard fixed penalty notice scheme. The graduated fixed penalty notices may also be issued for standard offences in the case of the driver not providing a satisfactory address and being subject to a roadside deposit.

2.2.4 Although standard fixed penalty offences can be prosecuted using graduated fixed penalty notices, they should not routinely be used for DVLA licence holders who are able to provide a satisfactory address.

2.2.5 The graduated fixed penalty notice is in 5-carbon-copies. The parts should be submitted as follows:

- Part 1 (CTO COPY) – Submitted through line manager to the CTO
- Part 2 (COURT COPY) – Retained by OIC for court hearings
- Part 3 (DRIVER COPY) – Given to driver at scene
- Part 4 (COURT HEARING REQUEST) – Given to driver at scene
- Part 5 (PAYMENT SLIP) – If not paid at scene then given to driver; otherwise to be disposed of by officer.

2.2.6 A maximum of five (5) graduated fixed penalty notices can be issued at any one time, however no more than one (1) endorsable graduated fixed penalty notice can be issued.

2.2.7 In the event of the number of offences exceeding that specified in 2.2.6 above, the following options are available to the officer:

- Issue 5 graduated fixed penalty notices as per 2.2.6 above, and verbally warn for the remaining offences, or
- Summons the driver for all of the offences disclosed.

- 2.2.8 In the event of a driver being summonsed who is unable to provide a satisfactory address, a roadside deposit will be required to either ensure court attendance, or enable the trial to proceed in the absence of the defendant. ([See Section 4](#))
- 2.2.9 The roadside deposit will be £500 for each offence summonsed, to a maximum of £1500. Therefore, in the event of the number of offences exceeding 3, the offender will be verbally reported for summons for all offences disclosed and the appropriate number of penalty notices issued.
- 2.2.10 In the event of the summons being issued to a non-UK country, additional measures will need to be taken as specified in the below section 'International Summons'.
- 2.2.11 All drivers should be eligible for a non-endorsable fixed penalty notice, however, sections 3.1, 3.2 and 3.3 apply for endorsable fixed penalty notices.
- 2.2.12 Only officers in uniform can issue fixed penalty notices and request roadside deposits.

### 2.3 Other available options

- 2.3.1 If a graduated or standard fixed penalty notices are not available, despite all reasonable efforts, the ordinary lines of prosecution are still available. There is still an option to report for summons (UK only) or arrest, providing the arrest necessity criteria under Section. 24(5) Police and Criminal Evidence Act 1984 is met.

### 2.4 Surrender of driving licences when using graduated fixed penalty notices for endorsable offences

- 2.4.1 There is no necessity for DVLA or non-DVLA licence holders to surrender their driving licence. (See 3.3.2)

## 3. Types of licence holder & disposal (Refer to [Appendix 1](#))

### 3.1 DVLA Licence Holders

- 3.1.1 Drivers who have held a full DVLA driving licence for more than 2 years or who hold a provisional driving licence should only be issued a graduated endorsable fixed penalty notice provided they have less than 9 current penalty points.
- 3.1.2 The graduated fixed penalty notice should be completed as comprehensively as possible. Staff should ensure that the DVLA Driver Number section is completed if the driver is a DVLA licence holder.

### 3.2 Non-DVLA licence holders with DVLA record / DVLA Driver number

- 3.2.1 If possible, the DVLA DVS system should be checked for the existence of DVLA shadow records. If not practicable the PNC should be used as an alternative.
- 3.2.2 Non-DVLA licence holders who already have a DVLA shadow record and number can only be issued with an endorsable fixed penalty notice if they have less than nine (9)

- DVLA penalty points, as they are still liable for DVLA disqualification under the totting up procedures upon reaching twelve (12) GB penalty points.
- 3.2.3 The graduated fixed penalty notice should be completed as comprehensively as possible and staff should ensure that the DVLA Driver Number is endorsed upon the notice.
- 3.3 Non-DVLA licence holders without DVLA Driver number**
- 3.3.1 When a non-DVLA licence holder who does not have a shadow record with a DVLA licence number is issued with an endorsable fixed penalty notice, a shadow record with a DVLA licence number will be created for the driver and the relevant number of penalty points will be endorsed upon that record. The DVLA will send a letter to the driver informing them of their new licence number. The officer should inform the driver of this procedure at the time of issuing the graduated fixed penalty notice.
- 3.3.2 A graduated fixed penalty notice can only be issued for an endorsable offence if the non-DVLA licence is produced at the scene. The graduated fixed penalty notice should be completed as comprehensively as possible and staff should ensure that the non-DVLA Driver Number is endorsed upon the notice, as without this the shadow record cannot be correctly created.

## 4. Receiving Deposits

- 4.1 The legislation concerning this section is contained in the Road Safety Act 2006.

### **Explanatory notes:**

**Roadside payment** – If graduated fixed penalty notices have been issued and the defendant does not have a satisfactory address, the total amount of money that the fines attract is required to be paid at the scene (commonly known as an on-the-spot fine). The defendant then has the option of subsequently requesting a court hearing, in which case the money is held as a deposit awaiting the outcome of the trial.

**Roadside deposit** – If a defendant is to be summonsed but does not have a satisfactory address, £500 per offence to a maximum of £1500 is required to be paid at the scene. This money is held as a deposit awaiting the outcome of the trial.

- 4.2 When to take a roadside deposit or payment.**
- 4.2.1 A roadside deposit / payment requires the driver who has been issued with a graduated fixed penalty notice to pay the full penalty amount at the roadside by means of either cash or credit/debit card.
- 4.2.2 A roadside deposit will be required whenever more than three offences are to be prosecuted and the driver does not furnish a 'satisfactory address'. (See 2.1.2 and 2.2.9).
- 4.2.3 A roadside payment will be requested whenever a maximum of 5 graduated fixed penalty notices are issued and the driver does not furnish a 'satisfactory address'.



- 4.2.4 Cash can only be paid in '£' Sterling (GBP). In the event that a defendant produces any other currency, the officer should firstly attempt to receive payment by either Sterling or credit/debit card. If this is not possible, the officer should make all reasonable attempts to convey the defendant to a reputable bank, travel agent, etc to have the currency exchanged to Sterling. The police are not liable for any transaction charges incurred.
- 4.2.5 If a driver does not immediately have the means to pay, officers should make reasonable efforts to facilitate the payment, i.e. the defendant conveyed to a cash machine within a reasonable distance. The officer should also ascertain whether the driver cannot pay through reasons beyond his/her means, or has chosen not to pay despite having the means to do so. If after reasonable police efforts the driver has not paid, then the vehicle should be immobilised until payment is obtained. ([See Section 5](#))
- 4.2.6 Only full payment can be accepted and all penalties must be paid for at the same time.
- 4.2.7 A roadside deposit of £500 per offence can be obtained up to a maximum of £1500. (See 2.2.9).

#### 4.3 **Credit / Debit card payments**

- 4.3.1 Only the officially adopted method of processing credit card payments should be used. The telephone number to contact is displayed on the rear of the graduated fixed penalty notice (0300 123 1481) and then follow the automated procedure.
- 4.3.2 The types of credit and debit cards available vary greatly throughout the EU. Not all types are acceptable. Should any of the required information be unavailable from the card, the transaction will not be possible.
- 4.3.3 The card number **must not** be recorded on the fixed penalty notice. Once the payment has been processed the 'authorisation code' must be obtained and written in the relevant section of the fixed penalty notice. The officer must not retain the credit or debit card details- if written down it must be destroyed as confidential waste. If the haulier has provided the credit card details, they must not subsequently be given to the driver.

#### 4.4 **Cash payments**

- 4.4.1 A credit or debit card is the preferred method of payment for a roadside deposit. In circumstances when a credit or debit card is not available cash can be accepted.
- 4.4.2 When cash is received the 'payment by cash' box should be ticked.
- 4.4.3 Payment will always be in full. If a driver is unable to pay or unwilling to pay then immobilisation should take place.
- 4.4.4 The vehicle should not be released until the full payment of fines or roadside deposit has been received.
- 4.4.5 A STORM log is to be created in relation to the incident. Full details of the vehicle, driver, penalty notice number(s) and total cash amount are to be endorsed on the incident log.
- 4.4.6 The Commercial Vehicle Unit supervisor or duty TCIM is to be made aware of the incident at the time, or as soon as practicable, that it is apparent to the officer that a payment is to be made in cash.

- 4.4.7 Cash payment should be taken from the driver and secured in a suitable cash/valuables bag, evidentially sealed and the process recorded on Body Worn Video or suitable recording device i.e. Pronto.
- 4.4.8 Once received the officer should go immediately to a suitable payment point to deposit the cash and obtain a receipt. The preferred payment locations are any Post Office. Other 24-hour outlets such as petrol stations are also available to officers, and will be identified with the PayPoint symbol.
- 4.4.9 The STORM log (see 4.4.7) is to be updated with the receipt number following the depositing of the cash and a NICHE occurrence created with details of the driver, vehicle, haulier and location with details of the receipt scanned to this occurrence.
- 4.4.10 The Commercial Vehicle Unit supervisor or duty TCIM is responsible for the supervision of the handling and safe deposit of the cash.
- 4.4.11 The original receipt shall be attached to the Graduated Fixed Penalty and forwarded to the Central Ticket Office.
- 4.4.12 Under no circumstances will the officer retain cash. The cash must be paid into a post office or PayPoint site as soon as practicable and in any case before going off duty.
- 4.4.13 Officers should give consideration to conveying the driver to the post office or PayPoint site to pay the cash directly, thus minimising the potential for any allegations of cash misappropriation.
- 4.4.14 Cash **must not** be given to any other officer to pay in on another officer's behalf without the explicit permission of a Roads Policing Inspector.

## 5. Prohibition and immobilisation of vehicles

### 5.1 When to immobilise

- 5.1.1 Appropriately authorised officers may prohibit all vehicles under the below circumstances:
- Enforce a drivers hours rest period (EU Regulation 561/2006, Transport Act 1968),
  - Prevent movement of an overweight vehicle (Road Traffic Act 1988),
  - Prevent movement of an unfit vehicle (Road Traffic Act 1988),
  - Non-payment of roadside payment / deposit (Road Safety Act 2006).
- 5.1.2 The Road Traffic (Foreign Vehicles) Act 1972 provides that appropriately authorised officers may prohibit foreign goods vehicles and foreign public service vehicles under the below circumstances:
- The driver obstructs the officer during inspection and testing,
  - The requirement to hold an operator's licence is not met,
  - Requirement for goods vehicle to be identified by plates and marks not adhered to.

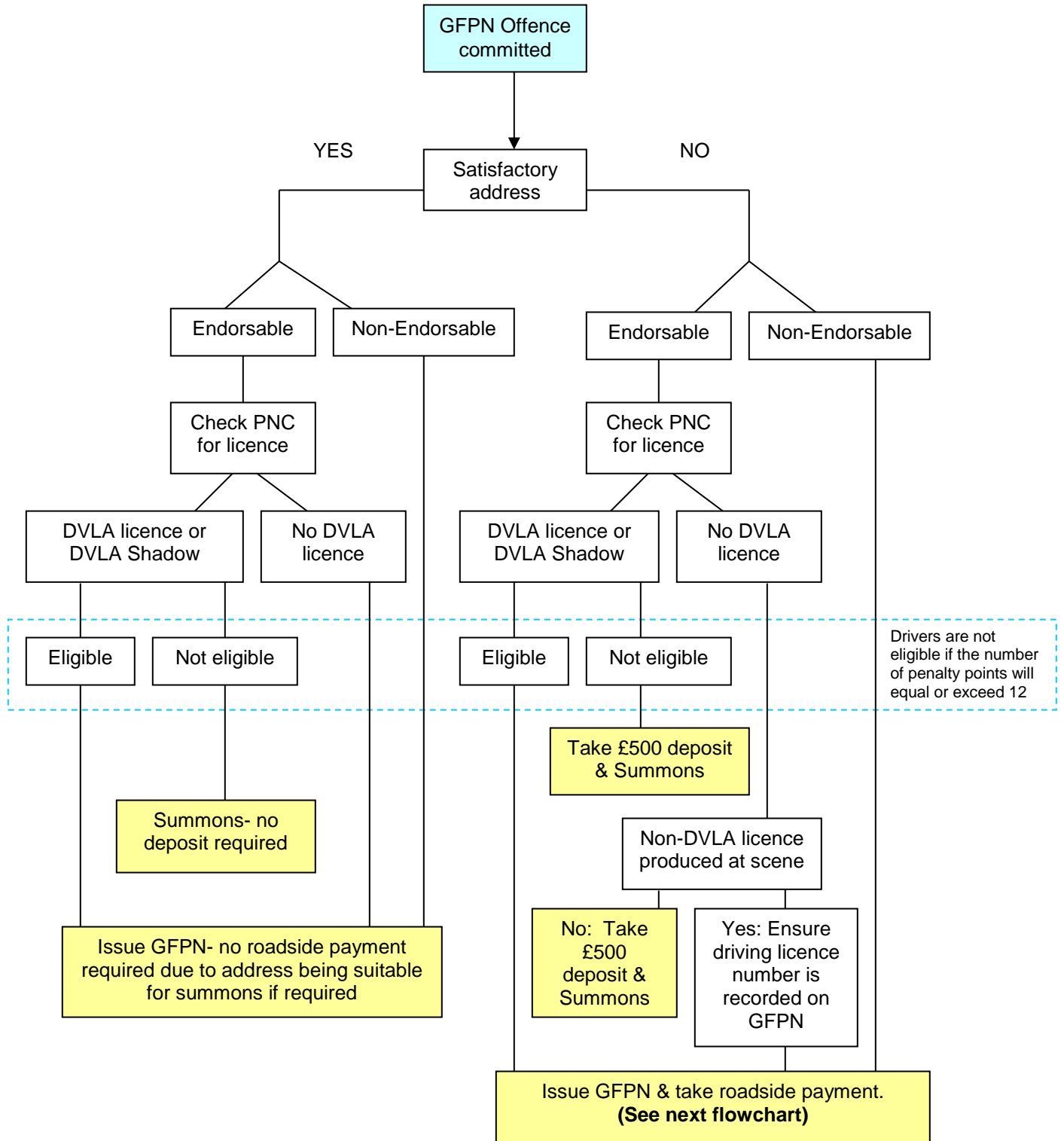
- 5.1.3 The Road Safety (Immobilisation, Removal and Disposal of Vehicle) Regulations 2009 provides that vehicles prohibited under the above circumstances may be immobilised.
- 5.1.4 Whenever a vehicle is prohibited a form PG170 will be completed and a copy given to the driver. A copy will also be retained.
- 5.1.5 Staff need to be aware of the possibility of the vehicle carrying perishable goods and ensure action is taken to prevent the unnecessary spoiling of goods. The owner of the vehicle should be contacted and asked to make arrangements for the goods to be collected.
- 5.1.6 Officers **must not** immobilise vehicles containing livestock under any circumstances.
- 5.1.7 The Commercial Vehicle Unit supervisor or duty TCIM must be informed of the immobilisation of vehicles carrying high-value or dangerous loads.
- 5.1.8 Officers should pay particular attention to the location of immobilisation regarding high-value or dangerous loads. In these circumstances, officers should consider moving the vehicle to a more secure location prior to immobilisation.
- 5.1.9 The Matrix Commercial Vehicle Unit must be informed of any immobilisations.
- 5.1.10 An appropriately trained officer (ADR) must immediately attend the scene of the immobilisation of a vehicle carrying dangerous goods, and a Form 10-500 completed and submitted. Officers must take into consideration parking rules (as per current ADR regulations) regarding such loads and public safety.
- 5.1.11 When choosing a suitable location for immobilisation, the officer must consider the following:
- Risk of crime to driver, vehicle and load
  - Protection to driver by CCTV and lighting
  - Availability of toilets and showers
  - Food outlets
  - Obstruction caused by vehicle
  - Nuisance to local residents, for example by noise of trailer refrigeration unit
  - Security risk to public buildings
  - Risk to public safety of vehicles carrying dangerous goods
  - The requirements of current ADR regulations concerning the supervision and parking of vehicles carrying dangerous goods.
- 5.1.12 The preferred locations for immobilisation are:
- Burtonwood Services (M62)
  - DVSA check site, Switch Island (M57/M58)
  - Charnock Richard Services (M6)

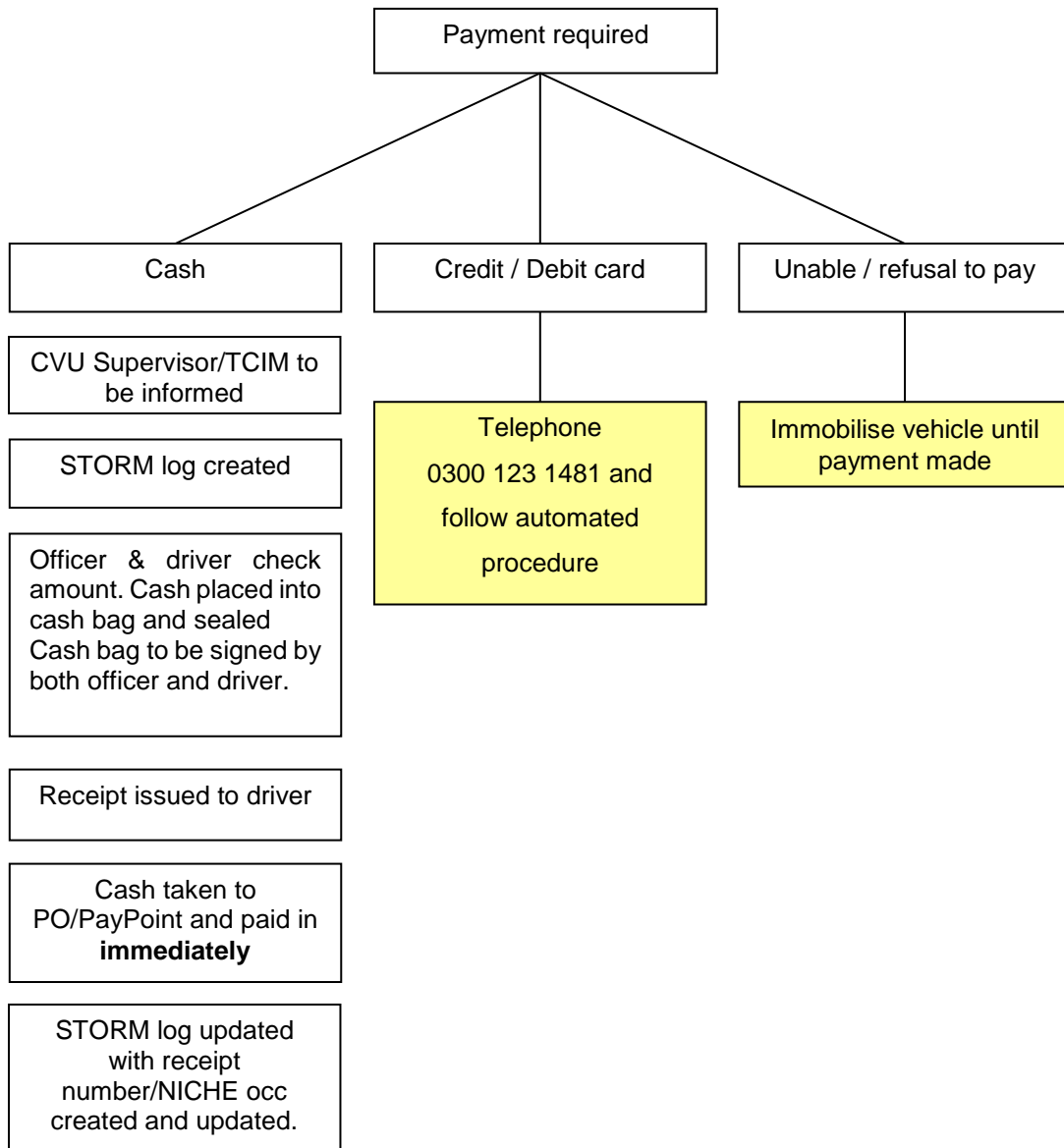
- 5.2 **Method of immobilisation (Refer to [Appendix 2](#) for Risk Assessment, [Appendix 3](#) for Immobilisation Notice)**
- 5.2.1 Immobilisation devices are available only for use by officers who are properly trained in the correct use of these devices and wearing suitable personal protective equipment.
- 5.2.2 There is a current risk assessment completed and in force in the use of immobilisation devices and officers should make themselves aware of its contents.
- 5.2.3 These devices will be attached to the front (driver's side) wheel of the vehicle.
- 5.2.4 An 'immobilisation notice' will be attached to the vehicle in a prominent position. The officer will fully explain the procedure to the driver.
- 5.2.5 The driver should be informed that as soon as the prohibition is lifted, the immobilisation device will be removed.
- 5.2.6 If the officer is leaving the scene, any further instructions must be clearly given to the driver in a language they understand. The current language service used by Merseyside Police is Capita services, which should be used if the officer is in any doubt regarding the driver's understanding of the incident. The officer should create a STORM log and leave contact details.
- 5.2.7 The vehicle keys should remain with the driver.
- 5.2.8 A vehicle prohibition must be lifted as soon as a driver has conformed to all requirements made.
- 5.2.9 Vehicles must be released with expediency by trained staff once a prohibition has been lifted.

## 6. International Summons

- 6.1 The Crime (International Co-operation) Act 2003 provides for the request for service of summons/process outside the United Kingdom.
- 6.2 There is no obligation on the person served to comply with the request. Failure to comply with the request does not constitute contempt of court and is not a ground for issuing a warrant. The process may subsequently be served on the person in question in the United Kingdom, with the usual consequences for non-compliance.
- 6.3 An international summons will usually be issued following the receipt of a Roadside Payment or Roadside Deposit (see [Section 4](#)), and there is subsequently to be a court hearing in relation to the matter.
- 6.4 In the event of an international summons, the MG6 must state:
- The amount of the Roadside Payment or Roadside Deposit obtained
  - The language spoken by the defendant whilst being dealt with at the scene
  - The defendant's preferred language of written correspondence
  - Any further addresses known to the officer where the defendant can be contacted
  - Vehicle operator and operator licence details, in the event of a commercial vehicle.

APPENDIX 1





## **APPENDIX 2**

### **Risk Assessment**

**A) RISK ASSESSMENT**

Risk Assessment:- HGV IMMOBILISATION DEVICE/CABLE	Location: OCC Speke
Completed by : Insp 8603 KELLETT Date Completed: 01/12/2018      Review Date: 01/12/2019	Other relevant risk assessments:-

WORK ACTIVITY	HAZARD	WHO IS AT RISK	RISK before (h/m/l)	CONTROL MEASURES IN PLACE OR REQUIRED	RISK after (h/m/l)	FURTHER ACTION REQUIRED		
						Y/N	By When	Person Responsible
DEVICE STORAGE	RISK OF TRIPPING	USER	M	CABLE STORED IN LOCKED CABINET	L	N		CVU Supervisor. ESTATES
DEVICE MOVEMENT	RISK OF TRIP OR FALL	USER OR OTHER	M	CABLE TRANSPORTED IN REAR OF VEHICLE OR WHEN CARRIED IN SUITABLE CASE.	L	N		CVU Supervisor.
FITTING OF DEVICE	RISK OF INJURY	USER OR DRIVER	M	TO FIT CABLE/DEVICE AS INSTRUCTED TO DRIVING WHEEL OF VEHICLE.	M	N		USER
FITTING OF DEVICE	RISK OF INJURY	USER	M	PERSON FITTING DEVICE MUST WEAR PPE INCLUDING SAFETY GLOVES IF POSSIBLE DISPOSABLE.	L	N		USER
FITTING OF DEVICE	RISK OF INJURY	USER	M	USER MUST BE WEARING REFLECTIVE CLOTHING.	L	N		USER



WORK ACTIVITY	HAZARD	WHO IS AT RISK	RISK before (h/m/l)	CONTROL MEASURES IN PLACE OR REQUIRED	RISK after (h/m/l)	FURTHER ACTION REQUIRED		
						Y/N	By When	Person Responsible
DEVICE FITTED	RISK OF INJURY	DRIVER	M	DRIVER MUST BE GIVEN SAFETY ADVICE IN A LANGUAGE HE UNDERSTANDS, REGARDING ANY ATTEMPT OF REMOVAL	M	N		USER
DEVICE REMOVAL	RISK OF INJURY	USER	M	USER MUST COMPLY WITH TRAINING WHEN REMOVING OR ADJUSTING DEVICE	L	N		USER
SAFETY/ WARNING NOTICE	RISK OF INJURY THROUGH LACK OF UNDERSTANDING.	DRIVER	M	THE DRIVER MUST BE ISSUED WITH A WARNING NOTICE IN A LANGUAGE HE/SHE UNDERSTANDS WITH PROCEDURES IN CASE OF EMERGENCY.	L	N		USER

Signature of assessor
Name and rank
Date

Signature of local representative
Name
Date

Signature of Force Health and Safety Officer
Name
Date

Signature of head of division / department
Name and Rank
Date

Status: V2.0

For use by person subject of a personal risk assessment
Name
Date

**APPENDIX 3**



**Immobilisation Notice**

# WARNING

This vehicle has been immobilised.

**Do NOT attempt to move it.**

For removal please contact the following  
telephone number quoting the reference  
provided by Police.

0151 777 9925 – Rob Lane Control Room

