

DATED 15th January 2010

GLOUCESTERSHIRE COUNTY COUNCIL (1)

- and -

THE COUNCIL OF THE CITY OF GLOUCESTER (2)

DEED OF VARIATION

Legal & Democratic Services
Gloucestershire County Council
Quayside House
Quay Street
Gloucester
GL1 2TZ

THIS DEED is made the _____ day of _____ 2010

BETWEEN:

- (1) **GLOUCESTERSHIRE COUNTY COUNCIL** of Shire Hall, Gloucester GL1 2TU ("the County Council"); and
- (2) **THE COUNCIL OF THE CITY OF GLOUCESTER** of North Warehouse The Docks Gloucester Gloucestershire GL1 2EP ("the City Council")

WHEREAS:

- (A) On the _____ day of _____ 2007 the Parties entered into an Agency Agreement ("the Agency Agreement") relating to the operation by the City Council on behalf of the County Council of decriminalised parking enforcement and on street parking within the area described in the Agency Agreement.
- (B) The County Council became an approved local authority for the purposes of section 144 of the Transport Act 2000 ("the TA 2000") by virtue of the 2007 Order.
- (C) The Parties now wish to extend the provisions of the Agency Agreement to include bus lane enforcement under the TA 2000 by the City Council within the area described in the Agency Agreement.
- (C) The Parties have therefore entered into this Deed of Variation in order to effect the changes in accordance with the provisions hereinafter appearing.

NOW THIS DEED WITNESSES as follows:

In consideration of the extension of the Functions as hereinafter appears by the County Council to the City Council, the Parties hereto agree that the provisions of the Agency Agreement shall be varied as follows:

1. Words and phrases used in this Deed which are defined in the Agency Agreement shall have the meanings assigned to them in the Agency Agreement unless the context otherwise requires.
2. The Parties hereto agree to make the following amendments to the Agency Agreement with effect from the date of this Deed:
 - (a) in Clause 1.1 the following definitions are to be added:

the "2005 Regulations" mean The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005;

the "2007 Order" means The Bus Lane Contraventions (Approved Local Authorities)(England)(Amendment)(No7) Order 2007;

(b) in Clause 3.2 the words "Section 144 of the TA 2000" shall be added immediately after the words "pursuant or incidental to" in the second line of that Clause;

(c) in Clause 3.3 additional Clauses shall be added inserted as follows:

"3.3.9 the enforcement of all penalty charges under Section 144 of the TA 2000 and the 2005 Regulations and all matters relating or ancillary thereto."

"3.3.10 the County Council shall provide the City Council with the equipment necessary to enable it to download data for the purposes of enforcing penalty charges under Clause 3.3.9 above and the City Council shall at all times be responsible for the care and good condition of such equipment and for its replacement in the event of loss or damage subject to the County Council remaining responsible for planned maintenance and servicing."

"3.3.11 the City Council shall download all data gathered for the purposes of Clause 3.3.9 on a daily basis from each of the locations that may be specified for enforcement purposes under the Agency Agreement and create two protected DVD discs, one labelled "Master" which is to be retained by Parking Services in the City Council in a safe and secure location the second of which is to be labelled "Working Copy" and is to be sent by Parking Services the same day by recorded delivery to such notice processing agency that may be appointed for such processing purpose in accordance with this Agency Agreement."

"3.3.12 the City Council Parking Services shall promptly access the data captured under Clause 3.3.10 and deal with all challenges or appeals arising therefrom in accordance with the practice set out in the "Best Practice and Operational Practice in Civil Parking Enforcement" issued by The Department for Transport or such replacement or amended best practice guidance that may be issued from time to time."

(d) in Clause 3.6 the words "the 1991 Act" in the second line shall be deleted and replaced with the words "both the 2005 Regulations and the 1991 Act";

(e) in Part 2 of the Schedule the following amendments shall be made:

in paragraph 2.1.3 the words "and Camera Enforcement" shall be added after the words "On Street Parking" in the first line.

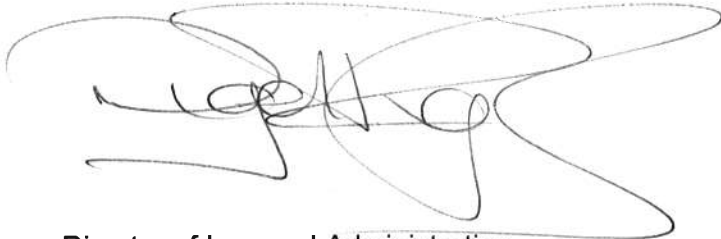
an additional paragraph 2.1.15 shall be added as follows:

"2.1.15 The same type of statistical information required under paragraphs 2.1.3 to 2.1.7 inclusive shall be provided regarding bus lane enforcement undertaken by the City Council either as a result of its own activities or those of an appointed third party by the end of the first week of each month (M)."

4. Each of the parties to this Deed hereby acknowledges that the Agency Agreement shall remain in full force and effect, save as modified by the provisions of this Deed.
5. This Deed is to be governed by and construed in accordance with English Law.

IN WITNESS of which the parties have executed and delivered this Deed on the date first written above.

The Common Seal of
GLOUCESTERSHIRE COUNTY
COUNCIL was hereunto affixed
in the presence of:

A large, stylized handwritten signature in black ink, appearing to be 'J. H. H. H.', written over a faint circular stamp.

Director of Law and Administration

The Common Seal of
THE COUNCIL OF THE
CITY OF GLOUCESTER was
hereunto affixed and is authenticated
by the undersigned a person authorised
by the said Council to act for that purpose:

A handwritten signature in black ink, appearing to be 'P. Staddon', written in a cursive style.