

**THE OXFORDSHIRE COUNTY COUNCIL
(CARERS' PERMIT) (AMENDMENT) ORDER 2018**

The Oxfordshire County Council ("the Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 49 and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Officer of police in accordance with Part III of Schedule 9 to the Act, makes the following Order:

1. This Order may be cited as The Oxfordshire County Council (Carers' Permit) (Amendment) Order 2018 and shall come into force on the seventeenth day of September 2018.
2.
 - (1) Any reference in this Order to any enactment (meaning any act and any subordinate legislation as defined in the Interpretation Act 1978) shall be construed as a reference to that enactment as amended or replaced by any subsequent enactment.
 - (2) Words importing the masculine gender shall also include the feminine gender and words in the singular include the plural and vice versa.
 - (3) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other enactment.
 - (4) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to a numbered Article or Schedule bearing that number in this Order.
3. The Oxfordshire County Council (Carers' Permit) Order 2010 is amended in the manner and to the extent specified in the Schedule to this order.

Given under the Common Seal of the Oxfordshire County Council
this *10th* day of September 2018

SCHEDULE

Amendments the 2010 Order.

1).

Additions to article 2 `Definitions`.

The following new definitions are added alphabetically:

“Care Contract” means a contract with the Council whereunder a Private Care Organisation has contracted to provide domiciliary health and/or welfare care to Service Users;

“Care Professional (PCO)” means an appropriately qualified person, employed by a Private Care Organisation whose work duties involve the provision of domiciliary health and/or welfare care direct to Service Users”

“Community Based Health Care Professional” means an appropriately qualified person, employed by the PCT whose work duties involve the provision of health care direct to patients of a Medical Practice.

“Council Carers Permit” means a permit issued by the Council and allocated by a Private Care Organisation to a Care Professional (CPO) under the provisions of this order to park a Permitted vehicle in accordance with the provisions of Part III A of this Order;

“Electric Vehicle” means a motor vehicle being a mechanically propelled vehicle intended or adapted for use on roads which uses one or more electric motors for propulsion, or which uses an internal combustion engine and one or more electric motors for propulsion;”

2).

Amendments to article 2 Definitions.

The following definitions are deleted and replaced (as amended):

“Parking Place” means any length of road authorised to be used as a parking place by any of the Orders but excluding:

- (a) any vehicle loading bay
- (b) any parking place designated for use by bicycles or motorcycles
- (c) any Disabled Persons' Parking Places
- (d) any Car Club Permit Holders Parking Places
- (e) any parking places designated for public service vehicles
- (f) any parking place designated for use for police operational purposes
- (g) any parking place designated for use by an Electric Vehicle;

"PCT" means Oxfordshire Primary Care Trust or any successor body or bodies to its functions including the Oxfordshire Clinical Commissioning Group which have been approved by the Council to allocate Carers' Permits for the purposes of this Order;

"Permit Parking Place" means any Parking Place authorised to be used by any of the Orders as a parking place by a vehicle subject to the display of a valid permit in respect of that vehicle in accordance with the provisions of the relevant Order but excluding any such Parking Place which is authorised to be used for time limited parking (in addition to permit parking) during such times as time limited parking is permissible;

"Private Care Organisation" means an approved care provider organisation who has entered into a Care Contract;

"Relevant Position" means the position where a Carers' Permit or Council Carers' Permit is to be displayed on a vehicle so that the permit is readily visible and legible from the front or near side of the vehicle

"Service User(s)" means a person(s) in receipt of domiciliary health and/or welfare care from a Private Care Organisation in the performance of its duties under a Care Contract".

3).

Further amendments to articles.

The following article is deleted and replaced (as amended):

Timing

“4. Where a vehicle, having been left in a Parking Place or a Restricted Road or Permit Parking Place, remains there at the beginning of the period when the prohibition or restriction on waiting or as applicable controls relating to parking apply, then the vehicle will be treated as if it had arrived in that Parking Place or Permit Parking Place or as applicable Restricted Road at the beginning of such period.”

4).

The following 2 new PARTS are added to the order:

“PART III A

PERMIT PARKING PLACES - AUTHORISED USE

7A Nothing in the provisions of any of the Orders so far as they prohibit or restrict parking in any Permit Parking Place will apply to any Permitted Vehicle waiting in a Permit Parking Place if it is not reasonably practicable for the vehicle to wait other than in that location where the following conditions apply:

- (1) when the vehicle is so parked for the purpose of a Care Professional (PCO) to visit a person who is a Service User in the performance of its duties further to a Care Contract; and
- (2) a valid Council Carers' Permit is displayed in the Relevant Position; and

7B for the avoidance of doubt the provisions of any Order relating to Permit Parking Places which require engines to be stopped and/or set out how the vehicle is to be parked on the carriageway or as applicable partly on the carriageway or partly on the footway and/or provide for the removal or moving of vehicles and/or the suspension of use of the Permit Parking Place are not varied in any way by this Order.”

"PART IV A
COUNCIL CARERS' PERMIT SCHEME

Application

14A A Private Care Organisation may apply to the Council for the issue of Council Carers' Permits for the use by any Care Professional (PCO) for the leaving, subject to the provisions of this Order, of any Permitted Vehicle in a Permit Parking Place where this is necessary for the purpose of visiting a person who is a Service User in the performance of the Care Professional (PCO)'s work duties further to a Care Contract and it is not reasonably practicable for the vehicle to wait other than in that location and the vehicle is not causing an obstruction.

Permit Terms

14B (1) No person is to cause or permit a Council Carers' Permit to be displayed on a vehicle, when the vehicle is parked in a Permit Parking Place unless it is necessary for the vehicle to be parked there for the purpose of visiting a person who is a Service User in the performance of the Care Professional (PCO)'s work duties further to a Care Contract, and it is not reasonably practicable for the vehicle to wait other than in that location

- (1) A Council Carers' Permit shall be valid for a period up to 24 months
- (2) The Council will fix a day when each Council Carers' Permit will cease to be valid
- (3) There is no charge for a Council Carers' Permit
- (4) The Private Care Organisation may only allocate the Council Carers' Permits issued to them to Care Professionals (PCO) for use as provided in this Order and on condition that:
 - (a) a Council Carers' Permit is surrendered if the Care Professional (PCO) to whom it was allocated ceases to be employed by the Private Care Organisation for the provision of domiciliary health and/or welfare care direct to Service Users further to a Care contract

(b) a Council Carers' Permit will be surrendered straightaway if mutilated or accidentally defaced or figures or particulars on it have become illegible or the colour of the Council Carers' Permit becomes altered by fading or otherwise

(c) if a Council Carers' Permit is lost or destroyed this is reported to the Private Care Organisation straightaway

Application Process

14C. (1) An application for a Council Carers' Permit must be made on a form issued by and obtainable from the Council and must include the particulars and information required by such form.

(2) The Council may require the applicant for a Council Carers' Permit to produce such evidence in respect of an application as it may reasonably require to verify any particulars or information given to it.

(3) If the Council is satisfied that the applicant is a Private Care Organisation and the information and particulars required to be supplied by the application form have been supplied to the satisfaction of the Council and the Council is satisfied generally as to the completed application form, the Council shall issue a Council Carers' Permit

(4) The Council may at any time require the Private Care Organisation or a Care Professional (PCO) to produce such evidence in respect of any Council Carers' Permits issued by the Council as may reasonably be required to verify its validity.

Permit Formalities

14D. (1) Each Council Carers' Permit will include the following particulars:

(a) the period during which, subject to the provisions of Article 14E of this Order, the Council Carers' Permit may be used;

(b) an indication that the Council Carers' Permit has been issued by the Council;

(c) a number letter or mark which constitutes a unique identifier for that Council Carers' Permit.

(2) A Council Carers' Permit must be displayed in the Relevant Position.

Surrender and Withdrawal of a Council Carers' Permit – Validity of a Council Carers' Permit

14E. (1) The Private Care Organisation may surrender a Council Carers' Permit to the Council at any time.

(2) A Council Carers' Permit will cease to be valid on the earliest of the following:

(a) the expiration of the period on it;

(b) the Care Professional (PCO) to whom a Council Carer's Permit has been allocated ceasing to be employed by a Private Care Organisation for the provision of domiciliary health and/or welfare care direct to Service Users further to a Care Contract; and

(c) as provided by Article 14E (6).

(3) (a) A Private Care Organisation must surrender a Council Carers' Permit allocated to a Care Professional (PCO) on ceasing to employ that person for the provision of welfare care direct to Service Users further to a Care Contract

(b) A Private Care Organisation must surrender a Council Carers' Permit issued to it on the issue of a replacement Council Carers' Permit;

(c) A Private Care Organisation must surrender all Council Carers' Permits issued to it on the termination of all Care Contracts held by it.

(4) If it appears to the Council that any of the events specified in Article 14E (3) has occurred the Council may by written notice addressed to the Private Care Organisation and sent by first class post to or delivered to the address shown on the application form for the Council Carers' Permit(s) or to the principal office of the Private Care Organisation withdraw a Council Carers' Permit(s) and the Private Care Organisation must surrender a Council Carers'

Permit(s) to the Council within three days of the date of posting or as applicable delivery of such notice.

- (5) If it appears to the Council that any of the provisions contained in this Order is being or has been abused (including sale or attempted sale of a permit or the alteration or attempted alteration of a permit) or is not being complied with respecting the use of a Council Carers' Permit or application for it, the Council may by giving notice as provided in Article 14E(4) withdraw all or any of the Council Carers' Permits and it must surrender such Council Carers' Permits to the Council within three days of the date of posting or as applicable delivery of such notice.
- (6) Where notice is given further to Article 14E (5) the relevant Council Carers' Permits will cease to be valid at the end of the third day following the date of posting or as applicable delivery of the notice.

Records

- 14F The Private Care Organisation must keep written records of the Council Carers' Permits allocated by it to Care Professionals (PCO) by reference to the date of allocation the unique identifier of relevant Council Carers' Permit the person to whom it was allocated and of the Private Care Organisation from which the recipient operates and its records must be available for inspection by the Council at all reasonable times.

Replacement Permit

- 14G. (1) A Council Carers' Permit will become invalid if it is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Council Carers' Permit has become altered by fading or otherwise, and the Private Care Organisation will either surrender it to the Council or apply to the Council for the issue of a replacement Council Carers' Permit by completing the application form obtainable from the Council in accordance with 14G(2)
- (2) A Council Carers' Permit will become invalid if it is lost or destroyed and the Private Care Organisation may apply to the Council for the issue of a replacement Council Carers' Permit and the Council upon

being satisfied as to such loss or destruction or as applicable as to mutilation or as otherwise provided in article 14G (1) shall issue a replacement Council Carers' Permit so marked.

- (3) The provisions of this part of this Order will apply to a replacement Council Carers' Permit or an application for it as if it were an original permit or as the case may be an application for it."

5).

Amendment to Part B (other orders) of the Schedule.

The Oxfordshire County Council (Oxford Central Area) (Controlled Parking Zone) (Consolidation) Order 2011, as amended;

The following orders are added to Part B:

"The Oxfordshire county Council (Oxford) (Cutteslowe and Five Mile Drive Area) (Controlled Parking Zone and Waiting Restrictions) Order 2014 as amended

The Oxfordshire County Council (Oxford – Divinity Road Area) (Controlled Parking Zone and Waiting Restrictions) Order 2012 as amended

Oxfordshire County Council (Oxford, Iffley Fields) (Controlled Parking Zone) Order 2018

Oxfordshire County Council (Oxford) (Lye Valley Area) (Restricted Parking Zone and Waiting Restrictions) Order 2016

The Oxfordshire County Council (Oxford - Magdalen Road (North) Area) (Controlled Parking Zone and Waiting Restrictions) Order 2012 as amended

The Oxfordshire County Council (North Hinksey (Botley) - Elms Road) (Controlled Parking Zone and Waiting Restrictions) Order 2013 as amended

The Oxfordshire County Council (Oxford - William Lucy Way) (Controlled Parking Zone) Order 2017".

THE COMMON SEAL of the
OXFORDSHIRE COUNTY COUNCIL
was hereunto affixed in the presence of:

Director of Law & Governance / Designated Officer



764/18

