

Climate Change and Transport
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Report of: Executive Member for Environment, Air Quality and Transport
Meeting of: Executive
Date: 18 July 2024
Ward(s): All
Decision No: I035476

Subject: People-friendly streets Individual Exemption policy

1. Synopsis

- 1.1. This report concerns the adoption of the People-friendly streets (PFS) Individual Exemption policy applicable to existing and future Low Traffic Neighbourhoods (LTNs) and Liveable Neighbourhoods (LNs).
- 1.2. Low traffic neighbourhoods were initially implemented with limited exemptions for vehicles to pass through camera enforced traffic filters without penalty, which included emergency services, refuse collection and some council vehicles such as Accessible Community Transport (ACT). In recognition that some people have no choice but to travel by motor vehicle, and in response to feedback from residents and groups representing disabled people, in December 2021 the council introduced exemptions for Blue Badge holders to camera-enforced traffic filters in their 'home' LTN. This policy has since been implemented in all seven Islington LTNs. There are currently approximately 880 Blue Badge holders benefitting from exemption permits in their home LTN. No changes are proposed to the Home LTN policy.
- 1.3. In January 2023, the council introduced the separate and complementary Individual Exemption policy on a trial basis. This decision followed feedback from a number of community groups and took into account the council's continuing,

anticipatory duty, owed to disabled people generally, to make reasonable adjustments to avoid disabled people being placed at substantial disadvantage compared with people who are not disabled by the implementation, development and operation of the LTNs. An Individual Exemption permit enables the holder to pass through designated camera enforced traffic filters when travelling in their nominated vehicle without penalty.

- 1.4. The trial policy, under which 79 Individual Exemption permits have been issued to date, is considered to be achieving a fair and reasonable balance between providing exemptions and preserving the integrity of the LTNs for all, including a majority of disabled people who do not travel by vehicle as a driver or passenger. This report therefore recommends adopting the Individual Exemption policy with two amendments based on the trial experience.
- 1.5. The Council will continue feasibility work on exemptions for taxis and private hire vehicles (PHVs) used by disabled people where practicable in future as it is not currently possible to exempt public taxis even if certain passengers would otherwise be eligible given they do not exclusively carry disabled passengers.

2. Recommendations

- 2.1. To note the results of feedback received during the trial implementation period set out in Appendix 2.
- 2.2. To agree to adopt the Individual Exemption policy, with minor amendments as set out in paragraph 3.11 and Appendix 1.
- 2.3. To agree that once adopted, any further changes to the Individual Exemption policy considered necessary and justified be approved by the Director for Climate Change and Transport, following consultation with the Executive Member for Environment, Air Quality and Transport, under delegated authority.

3. Background

- 3.1. The PFS Individual Exemption policy supports the strategic objectives of the Islington Transport Strategy (2020-2041) and the Vision 2030 Strategy which were consulted on and adopted by the council's Executive in November 2020. It also aligns with the Islington Together priorities recognising the importance of adapting the way we use public spaces and embracing sustainable travel for improving the health, wellbeing and opportunities for communities and delivering a more equal and cleaner, greener and healthier Islington.
- 3.2. Low traffic neighbourhoods were initially implemented with limited exemptions for vehicles to pass through camera enforced traffic filters without penalty, which

included emergency services, refuse collection and some council vehicles such as Accessible Community Transport (ACT). No other vehicles were offered exemptions as all addresses within LTNs remained accessible by vehicle (though routes may have changed following implementation) and allowing exemptions would not support the council's objectives of significantly reducing the overall number of vehicle trips on local roads.

- 3.3. Following feedback from organisations including Disability Action in Islington (DAII), the Carers' Forum, Islington Parents' Forum, London Travel Watch, Transport for All (TfA), Keeping Safe subgroup, Power and Control, and correspondence from individual residents, the council introduced the '[Home' LTN exemption policy](#) for Blue Badge holders (agreed by [Executive](#) October 2021). The "Home' LTN policy offers an exemption to Blue Badge holders who live inside a low traffic neighbourhood (LTN) in Islington (this includes properties on the LTN side of the boundary roads). The exemption will only apply for the designated traffic filters within a single LTN. This policy has since been implemented in all seven Islington LTNs which were made permanent between November 2022 and December 2023.
- 3.4. At the same time (October 2021), the council also made a commitment to deliver an 'Exceptional Circumstance Dispensation', which was reiterated in delegated decision reports for each LTN when new Experimental Traffic Orders (ETOs) were introduced prior to the schemes becoming permanent, as well as in the January 2023 PFS Executive report.
- 3.5. The Individual Exemption policy that is the subject of this report was developed to fulfil that commitment. On 14 December 2022 the Corporate Director of Environment agreed to proceed to trial the policy with a commitment to evaluating feedback ahead of the council's Executive making a decision on whether or not to adopt the policy; in its current form, or with amendments. More details about the development of the policy are set out in the decision report of 14 December 2022 on the council's [website](#) (sections 4.1-4.2, and 5.4-5.6).
- 3.6. In developing the policy the council took into account its continuing, anticipatory duty, owed to disabled people generally, to make reasonable adjustments to avoid disabled people being placed at substantial disadvantage compared with people who are not disabled by the implementation, development and operation of the LTNs. The policy demonstrates the council's duty to take such steps as it is reasonable to take to avoid that disadvantage and recognises that those steps may well vary depending on the nature of a person's disability and the nature of any disadvantage.

- 3.7. The council took the approach of making a reasonable adjustment for individuals who rely on motor vehicle travel and as a result of disability or chronic health condition are substantially disadvantaged by increased time spent in a vehicle or re-routing of trips due to LTNs. Without intending to represent an exhaustive limitation, a chronic condition is defined in the context of the policy be one which: is persistent and long term (lasting longer than one year); requires ongoing medical management and/or treatment; and/or limits the activities of daily living.
- 3.8. The trial policy (provided at Appendix 1), accompanying guidance and an application form were subsequently published on the council's [website](#) in late December 2022, and the trial was officially launched early in the new year when a press release was issued on 5 January 2023. The announcement was also shared across the council's social media pages (Facebook, Twitter and Next Door). The council also wrote to all residents who had previously made enquiries related to the need for and / or commitment made to developing a case-by-case exemption to inform them that the Individual Exemption trial was underway.
- 3.9. The trial of Individual Exemption policy has been running from January 2023 to date, with public feedback collected until June 2023.
- 3.10. The December 2022 decision to implement the trial policy included provision for the council's Executive to make a decision on whether or not to adopt the policy in its trial form or with amendments, noting that the decision at this stage may incorporate changes to the policy having regard to submitted feedback during the trial and / or experience of its operation by the council's Blue Badge team. A full summary of issues raised and officer responses, alongside issues emerging from operational experience, can be found in the Individual Exemptions Trial Report provided at Appendix 2.
- 3.11. In summary, this report proposes to adopt the Individual Exemption policy as written for the trial with the following amendments:
- An addition to the wording of the policy to reflect existing, and subsequently clarified, accompanying guidance related to applicants who do not reside in Islington.
 - Discretion to issue exemptions for a period of one year rather than the standard three-year period in exceptional cases where it is considered that an applicant may meet the eligibility criteria but not for longer than one year.
- 3.12. The policy is provided at Appendix 1 with changes recommended to be included in the final policy wording shown in bold type. The accompanying [guidance \(FAQ\)](#) would be amended as appropriate to reflect changes.
- 3.13. It is recognised that there is a small cohort of individuals who would meet the criteria but rely on taxis or other PHVs for transport do not directly benefit from the

Individual Exemption, as raised in response to the trial feedback survey (see Appendix 2). However, it is not technologically feasible for the council to exempt public taxis only when carrying certain passengers. The council is committed, where possible, to exploring technological solutions to address this in the future. This matter has been considered as part of the Equalities Impact Assessment (EqIA) at Appendix 3.

4. Implications

Financial Implications

Costs

- 4.1. There will be no outright costs of adopting the Individual Exemption policy. Costs of continuing the policy on a permanent basis are expected to be absorbed by the operational budgets of the teams responsible for devising, implementing and administering the Individual Exemption policy, namely PFS and Parking operations (Blue Badge team).
- 4.2. The Individual Exemption application process provides for a specialist assessor to be used to help determine eligibility for individual exemptions. This option has not been exercised to date but there could be costs associated with referral to an external assessor in the future.

Revenue

- 4.3. There is no loss of revenue anticipated with making the Individual Exemption policy permanent.

Legal Implications

- 4.4. The Individual Exemption Policy is part of the council's PFS programme, the legal implications of which are set out in the Reports to the Executive of 18 June 2020, 14 October 2021 and 12 January 2023.
- 4.5. The LTNs were introduced by way of ETOs under section 9 of the Road Traffic Regulation Act 1984. ETOs can remain in force for up to 18 months, after which time they lapse unless made permanent.
- 4.6. In order to make permanent the Individual Exemption Policy, no changes are required to the traffic orders which implement the LTNs. The current traffic orders contain a provision which allows the council to authorise an exemption to the traffic

filters subject to compliance with any conditions or requirements that the council may impose.

- 4.7. As a provider of services to the public, the council is prohibited by Part 3 of the Equality Act 2010 from doing anything that constitutes unlawful discrimination. In relation to the protected characteristic of disability, service providers are under a continuing, anticipatory duty to make reasonable adjustments for disabled people generally, where disabled people generally are placed at substantial disadvantage as a result of a policy to practice applied by the service provider and where the duty arises, the service provider is required to take such steps as is reasonable to have to take to avoid the disadvantage.
- 4.8. This is dealt with in the Equalities Impact Assessment (Appendix 3) and this assessment is summarised below in sections 3.14-3.22

Human Rights

- 4.9. The council should have regard to the provisions of the Human Rights Act 1998. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights (ECHR) into domestic law. These include: Article 8: Right to respect for private and family life. Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.10. Article 1: of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions, No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- 4.11. Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 4.12. It is unlawful for public authorities to act in a way that is incompatible with the ECHR. It is not considered that the implementation of the Individual Exemption policy will infringe on any individual's human rights.

Contribution to Climate Action and any other Environmental Implications

- 4.13. LTNs and LNs are part of the council's commitment to working towards a zero-carbon future and responding to the Climate Emergency. The delivery of the Islington Transport Strategy, Liveable Neighbourhoods, School Streets and Lorry Control Scheme were all specifically mentioned in the transport section of the Vision 2030: Creating a Net Zero Carbon Islington by 2030.
- 4.14. Adopting the Individual Exemption policy will have a negligible impact on local emissions due to the small number of vehicles involved.

Equalities Impact Assessment

- 4.15. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.
- 4.16. At the start of the PFS programme and in the programme-wide Resident Impact Assessment (RIA) the council committed to engage with disabled groups to gain a greater understanding of the impacts on disabled people who rely on motor vehicle transport and are therefore more likely to be impacted by different travel routes and a possible increase in journey time.
- 4.17. An Equalities Impact Assessment (EqIA) was completed on 12 February 2024 for adopting the Individual Exemption policy. The full EqIA is attached to this report as Appendix 2 and is summarised in this section.
- 4.18. In some instances, a balanced view is taken between positive and negative impacts, in particular where the impacts are considered to have both a positive and negative impact on one group with protected characteristics, especially where there is variation between the requirements of different individuals within such a group. For example, while some disabled people may rely on cars for mobility there are also many disabled people who use other modes and therefore for most groups the impacts will be a mix of positive and negative depending on the particular mode of travel generally used.

Positive Impacts

- 4.19. Once adopted, the Individual Exemption policy will continue to deliver the benefit of reduced and/or more direct journey times for individuals who experience physical discomfort or psychological distress when travelling by motor vehicle as a result of disability and/or a chronic health condition and have these conditions negatively impacted as a result of LTNs.
- 4.20. Introduction of discretion to issue one-year permits means that individuals who have a condition where they are substantially disadvantaged by LTNs due to a physical/psychological condition may be eligible for an exemption permit regardless of whether the condition under which they are applying for an exemption will endure for more than a year.

Negative Impacts

- 4.21. It is the purpose of the EqIA to also examine any negative impacts on residents, particularly those with protected characteristics to ensure that a robust mitigation plan is in place and so that these negative impacts can be taken into account in accordance with the decision to make the Individual Exemption policy permanent, with some amendments.
- 4.22. The Individual Exemption policy allows the holder to nominate a vehicle belonging to someone else to receive the exemption, allowing a carer or friend/family member to drive the permit holder. However, it does not extend to taxis or private hire vehicles. A possible mitigation to this negative impact is the introduction of “real time” whitelisting for exempt vehicles but at this time the council does not have access to technology that would allow for this type of exemption.
- 4.23. The council will continue to monitor the number of exemption permits issued to ensure that traffic on local streets does not rise as a result of the exemption, undermining the objectives of low traffic neighbourhood and liveable neighbourhood schemes. Currently there are 79 active permits, issued between January 2023 and March 2024 representing a small cohort of individuals. Requiring that non-Islington residents demonstrate proof of frequent travel will also ensure that the exemption is being used by those with a genuine need.

5. Conclusion and reasons for recommendations

- 5.1. The Individual Exemption policy supports the strategic objectives recognised in the Islington Transport Strategy (2020-2041) of delivering a transport environment that is fair, accessible and secure for all residents, including the 16% of Islington residents who are disabled. Adopting the Individual Exemption policy, with the

amendments outlined in this report is considered to achieve a fair and reasonable balance between providing genuinely needed exemptions on a case-by-case basis and preserving the integrity of LTNs for all, aligning with the goals of the Islington Together priorities for a more equal future strategic plan (2021).

- 5.2. The Individual Exemption is considered to provide a reasonable adjustment in line with the Equality Act for a cohort of individuals who are disabled and/or have a condition that is impacted by an increased amount of time spent in a vehicle or re-routing of trips and may therefore be substantially disadvantaged because of travelling in areas of Islington with low traffic / liveable neighbourhoods.
- 5.3. The exemption enables applicants to undertake journeys that would not otherwise be possible or would only be possible with considerable difficulty or overwhelming distress, and adopting the policy is not expected to have a significant impact on the integrity of the low traffic / liveable neighbourhoods.
- 5.4. The council has duly considered the public feedback received during the trial implementation period, alongside the operational experience, and has made the accompanying guidance for applicants from outside the borough clearer. An addition to the wording of the policy is recommended to reflect the existing, and subsequently clarified, accompanying guidance. It is also proposed to introduce discretion to enable people with conditions meeting the criteria that may not necessarily endure for longer than one year (as per the policy's definition of chronic) to benefit from an exemption for a one-year period, and to update the accompanying guidance to reflect this.
- 5.5. The Executive is asked to approve the adoption of the people-friendly streets Individual Exemption policy, as recommended in Section 2 of this report.

Appendices:

- **Appendix 1** – People-friendly streets Individual Exemption policy and proposed changes
- **Appendix 2**- People-friendly streets low traffic neighbourhood Individual Exemption policy trial report
- **Appendix 3**- People-friendly streets low traffic neighbourhood Individual Exemption policy permanent EqIA

Background papers:

None.

Final report clearance:

Authorised by:

Executive Member for Environment, Air Quality and Transport

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Appendix 1: People-friendly streets Individual Exemption trial policy (proposed changes to the policy shown in bold)

“Through the Individual Exemption policy, exemptions may be given to people who can demonstrate that they/their child(ren):

- Find it considerably difficult to sit in a vehicle for an extended period of time due to a disability or chronic health condition*
- Experience overwhelming psychological distress from sitting in a vehicle or re-routing of trips due to a disability or health condition*

Evidence will need to be provided to show the substantial disadvantage of increased journey times or re-routing of trips in order to support the case for an exemption.

‘Considerable difficulty’ and ‘overwhelming psychological distress’ should be understood as suggesting that the intended purpose of issuing an Individual Exemption is to enable the permit holder to undertake journeys that would not otherwise be possible or are only possible with considerable difficulty. The exemption will apply to all camera-enforced traffic filters in Islington’s low traffic neighbourhoods and in upcoming liveable neighbourhoods. A full list of filters the exemption applies to is available [here](#).

*Applicants do not need to live in an Islington low traffic neighbourhood or a liveable neighbourhood to be considered for an Individual Exemption. **Applicants who do not reside in Islington will need to demonstrate that they frequently access Islington’s streets.***

The exemption will be for a single vehicle which may be the applicant’s own or belong to another person. It should be the main vehicle used for the exemption holder’s travel. The exemption holder must be in the nominated vehicle, either as driver or passenger, when it passes through a traffic filter.

*Individual exemptions will be subject to review every three years. **In exceptional cases, the council may at its discretion issue an Individual Exemption permit for a period of one year.***

Guidance accompanying the policy is available on the council’s website in the form of [FAQ](#) and includes indicative lists of conditions that might lead to considerable difficulty or psychological distress as referred to in the above eligibility criteria, as well as evidence documents that could be submitted for demonstrating eligibility against the criteria as required by the policy. The guidance also states that applicants may be asked to provide additional evidence or be contacted by the council’s Blue Badge team by phone to discuss details of evidence submitted. Guidance also states that whilst the policy does not require applicants to live in Islington, it is intended for those who regularly access Islington’s streets and not for infrequent visitors. In addition, guidance provides for an unsuccessful application to be reviewed where additional evidence is provided, including the possibility of involving a specialist to assist in determining eligibility for an exemption.