

EXECUTIVE - 18 JULY 2013

## **PARKING FOR THE FAITH COMMUNITY AND COMMUNITY GROUPS**

### **Executive Summary**

On the 12 July 2012, the Council adopted a Policy Statement in respect of Parking Charges for Members of the Faith Community. This allows members of the Faith Community to park free of charge, in the Council's off-street car parks, in order to attend a place of worship for the purpose of, or in connection with, worship on that faith community's primary day of worship.

A Letter of Claim has been received from solicitors acting for Keith Porteous Wood alleging that he was unlawfully discriminated against when he was required to pay for car parking when he visited Woking on Sunday 14 April 2013.

This report advises the Executive of the Council's response to the Letter of Claim, and recommends that the Policy Statement be clarified so that it refers to the Council's existing practice of allowing members of other Community Groups to park free of charge in the Council's car parks.

### **Reasons for Decision**

To advise the Executive of the potential legal challenge to the Council's Policy Statement in respect of car parking charges for the Faith Community, and to recommend an amendment to that Policy Statement.

### **Recommendations**

The Executive is requested to:

#### **RESOLVE That**

- (i) the position regarding a possible legal challenge to the Council's Policy Statement in respect of car parking charges for the Faith Community be noted, and
- (ii) the clarification of the Policy Statement contained in Appendix 5 to the report be adopted from 18 July 2013.

**The Executive has authority to determine the above recommendations.**

### **Background Papers:**

None.

Sustainability Impact Assessment  
Equalities Impact Assessment

### **Reporting Person:**

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## Parking for the Faith Community and Community Groups

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### Date Published:

11 July 2013

## **Parking for the Faith Community and Community Groups**

### **1.0 Introduction**

- 1.1 On 12 July 2012, the Council adopted a Policy Statement in respect of Parking Charges for Members of the Faith Community. This allows members of a faith community to park free of charge, in the Council's off-street car parks, in order to attend a place of worship for the purposes of, or in connection with, worship on that faith community's primary day of worship. A copy of the Policy Statement is attached as Appendix 1.
- 1.2 The Policy Statement expressly reflects the Council's view that there are particular benefits to Woking from the social inclusion and participation that the faith communities encourage, not least the considerable voluntary work organised by faith communities in Woking.
- 1.3 The Policy Statement was adopted by Council following consideration by the Executive, at its meeting on 31 May 2012, of a detailed report and Equality Impact Assessment (Appendix 2).
- 1.4 On 30 May 2013, solicitors acting for Keith Porteous Wood (Executive Director of the National Secular Society) sent a Letter of Claim to the Council alleging that he was unlawfully discriminated against when he was charged for car parking when he visited Woking on Sunday 14 April 2013. A copy of this letter is attached as Appendix 3.
- 1.5 A formal reply denying liability was sent by the Council on 25 June 2013 (Appendix 4).

### **2.0 Present Position**

- 2.1 The solicitors acting for Mr Wood have, in their letter of 30 May 2013, only referred to the Council's formal Policy Statement insofar as it relates to the Faith Community. There is no reference to the Council's practice of allowing Community Groups to park free of charge in the Council's car parks (despite this having been discussed at the meeting of the Executive on 31 May 2012, as referred to in the minutes of that meeting).
- 2.2 It is clear that the free parking provided to non-faith based Community Groups is a material consideration. Members will be aware of the extent of this, but it is worth setting out the extent of this provision and the reason for it.
- 2.3 Twenty-eight parking bays in Heathside Crescent car park are set aside for free parking for voluntary groups. A total of ninety-two permits are issued each year for Relate, Surrey Disabled Peoples Partnership, Woking Citizens' Advice Bureau, Woking Association of Voluntary Services and the Surrey Care Trust. These groups carry out considerable voluntary work in Woking. Free parking has been provided to them in pursuit of the same aim which applies to the free parking which has been provided for the Faith Community, i.e. supporting social inclusion and participation in society. In addition, concessionary parking is provided to any organisation with accredited community status when booking the H G Wells Conference Centre.
- 2.4 As the Council has adopted a consistent approach to free parking for the Faith Community and other Community Groups (based, in both cases, on supporting social inclusion and participation in society and encouragement of voluntary work carried out by these groups), its formal Policy Statement should properly reflect that approach. It is therefore recommended that the Policy Statement should be amended as set out in Appendix 5.
- 2.5 The extent to which any Groups (Faith or Community based) should be allowed free parking will continue to be for the Executive to determine on an individual basis.

## Parking for the Faith Community and Community Groups

- 2.6 It should be noted that the clarification of the Policy Statement merely reflects the Council's existing approach to allowing the Faith Community and Community Groups to park free of charge in the Council's car parks. As such, it is not a "new" Policy and does not need to be considered by the Council.

### 3.0 Implications

#### Financial

- 3.1 As the clarifications of the Policy Statement reflect the existing approach to free car parking, there are no financial implications arising directly from this report.

#### Human Resource/Training and Development

- 3.2 None arising directly from this report (for the reason giving in paragraph 3.1 above).

#### Community Safety

- 3.3 None arising directly from this report (for the reason giving in paragraph 3.1 above).

#### Risk Management

- 3.4 None arising directly from this report (for the reason giving in paragraph 3.1 above).

#### Sustainability

- 3.5 None arising directly from this report (for the reason giving in paragraph 3.1 above).

#### Equalities

- 3.6 None arising directly from this report (for the reason giving in paragraph 3.1 above).

### 4.0 Consultations

- 4.1 The Portfolio Holder has been consulted.

REPORT ENDS

EXE13-191

Woking Borough Council

Parking Charges for Members of the Faith Community

Policy Statement

1. Places of worship, and the faith communities that they serve, play an important role, both in society in general and Woking in particular. They encourage people to participate in society, thereby promoting social inclusion. In addition, considerable voluntary work is organised by faith communities, often for the benefit of the more disadvantaged members of our society.
2. The Council will, where it is reasonable and proportionate to do so, support the faith communities in the borough of Woking.
3. In furtherance of this aim (a "legitimate aim" under the Equality Act 2010), the Council will allow members of a faith community to park free of charge, in the Council's off-street car parks, in order to attend a place of worship for the purpose of, or in connection with, worship on that faith community's primary day of worship.
4. This Policy Statement was adopted by the Council on 12 July 2012. It will be reviewed on 12 July 2017, or sooner if there is a material change in circumstances.

EXECUTIVE - 31 MAY 2012

## **CAR PARKING CHARGES FOR THE FAITH COMMUNITY**

### **Executive Summary**

On 13 October 2011, the Executive was advised that the Council's practice of allowing certain churchgoers to park free of charge on a Sunday had been challenged as being in breach of the Equality Act 2010 ("the Act").

Counsel had advised that the practice amounted to indirect discrimination, but could be justified on the basis that it was a proportionate means of achieving a legitimate aim. In order to meet the justification requirements in the Act, the Council was advised to carry out a full Equality Impact Assessment ("EqIA") to measure the impact of the free parking, including the cost to the Council, and the effect it had on churchgoers and the wider community. The Executive agreed that the EqIA should be carried out.

This report advises the Executive of the outcome of the EqIA, and recommends that the Council should adopt a formal policy to cover the circumstances in which members of the faith community will be allowed to park in the Council's car parks free of charge. This policy will cover all faith communities, not just those whose primary day of worship is on a Sunday (as is the case with the Council's current practice). It will, therefore, allow some faith communities to park free of charge on days which are not a Sunday.

### **Reasons for Decision**

To support the faith community in Woking and to comply with the requirements of the Act.

### **Recommendations**

The Executive is requested to:

#### **RECOMMEND That**

- (i) the Policy Statement contained in paragraph 4.9 of the report be adopted by Council; and
- (ii) Council agree to provide the free parking detailed in paragraph 4.10 of the report.

**This item will need to be dealt with by way of a recommendation to Council.**

### **Background Papers:**

Equality Impact Assessment (EqIA),  
Report to Executive on 13 October 2011 (and appendices).

Sustainability Impact Assessment

## Car Parking Charges for the Faith Community

### **Reporting Person:**

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### **Date Published:**

24 May 2012

## Car Parking Charges for the Faith Community

### 1.0 Introduction

- 1.1 On 13 October 2011, the Executive considered a report which detailed the challenge which had been made to the Council's practice of allowing certain churchgoers to park free of charge on a Sunday.
- 1.2 A copy of that report (and appendices) is attached to this report so that Members are fully aware of the background to this matter (Appendix 1). The Executive agreed the recommendations contained in the report.
- 1.3 The Equality Impact Assessment ("EqIA") has been completed. A copy is attached (Appendix 2).

### 2.0 Public Sector Equality Duty

- 2.1 The public sector equality duty ("PSED") consists of a general equality duty, contained in Section 149 of the Equality Act 2010 ("the Act"), and specific duties contained in secondary legislation.
- 2.2 The Council is subject to the PSED. It must, in exercising its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - foster good relations between people who share a protected characteristic and those who do not.

These are known as the three aims of the general equality duty.

- 2.3 The Act provides that having due regard for advancing equality involves:
  - removing or minimising disadvantages suffered by people due to their protected characteristics;
  - taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
  - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 2.4 The PSED covers the following protected characteristics:
  - Age;
  - Disability;
  - Gender reassignment;
  - Marriage and civil partnership;
  - Pregnancy and maternity;



## Car Parking Charges for the Faith Community

- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

2.5 "Religion" means any religion, and a reference to religion includes a reference to a lack of religion. "Belief" means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. In relation to the protected characteristic of religion or belief, a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief, and a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

2.6 Consideration of the EqIA will assist the Council in discharging its PSED. However, the Council should continue to pay due regard to the PSED when considering the issues raised in this report.

### 3.0 The EqIA

3.1 The EqIA was undertaken by Skyers-Poorman Research and Consulting.

3.2 With regard to the Council's practice of allowing worshippers to park free of charge on Sundays, the EqIA contains three alternative recommendations. These are:

- (i) The Council should continue with the practice if it is able to determine that it is a proportionate means of achieving a legitimate aim, having had proper regard to all of the issues raised in the EqIA; or
- (ii) The Council should rescind Sunday car parking charges for all visitors to the town centre between the hours of 7.00 a.m. and 1.00 p.m.; or
- (iii) The Council should rescind Sunday car parking charges for all visitors to the town centre on Sundays.

3.3 Paragraphs 5.2–5.6 of the EqIA analyse the impact free Sunday parking has on churchgoers. It has a positive impact on many worshippers living in Woking, and on those who attend churches in Woking from outside the Borough.

3.4 It is the more disadvantaged communities within church congregations for whom the financial benefit of free parking makes a tangible material difference. This includes, for example, women, BME residents, younger people, older people of pensionable age, carers and other groups on lower incomes.

3.5 Although the EqIA found that the vast majority of worshippers stated that a reintroduction of charges would not prevent them from attending a Sunday church service, the already disadvantaged communities would have considerable difficulty meeting the cost. The negative impact of this would be exacerbated in the present economic climate and the challenges it presents.

3.6 The introduction of charges could potentially inhibit church membership among the more disadvantaged groups and could potentially curtail new membership from such groups.

## Car Parking Charges for the Faith Community

- 3.7 The introduction of charges would also adversely affect volunteers who, for example, provide crèche services and children's activities on Sunday mornings. These volunteers may choose not to, or may not be able to continue to, provide these services. This could have an adverse impact on the ability of families with small children, particularly lone parents, to attend church services.
- 3.8 The introduction of charges would run counter to the *Big Society*, and could result in the decline of important community focussed activities that have a wider social and economic value to Woking residents.
- 3.9 The EqIA states that not all church members who are disabled perceive the Council's practice as providing positive benefits. This is the case for those people who park in Surrey County Council's on-street bays, not the Council's car parks, because of concerns about accessibility and safety.
- 3.10 Paragraphs 5.13-5.15 analyse the impact free Sunday parking has on the wider community. The practice was perceived as unfair by the non church-going community. Some residents expressed frustration at the practice of allowing Sunday worshippers to park free of charge whatever their income level, whilst other non church-going residents, including those who fall within groups with other protected characteristics, cannot benefit from free parking, and are paying substantially increased charges across the board. This is seen as tantamount to being discriminated against on the grounds of having no belief or organised belief.
- 3.11 Whilst shopping on a Sunday in the town centre is important, it is not seen as solely offering a commercial and retail experience. Carers often find a Sunday a convenient day to relax by visiting the town centre as other family members who work may be around to provide some respite.
- 3.12 Lone parents balancing childcare, work, commuting and the school run may find Sunday the best day to shop.
- 3.13 For disabled residents who want to visit the town centre, shop and have a meal with family members or friends who may be working in the week, Sunday is often the most convenient day.
- 3.14 Thus, Sunday for non-worshippers accommodates flexible working patterns and fits with the rhythms of family life. This is seen as being as important as religious observance to building the social, as well as the economic, fabric of communities. Account should be taken of diverse lifestyles and secular activities that also enhance social integration.
- 3.15 The issue of equity and fairness in respect of days of religious observance was a recurring theme. It was seen as right by the Muslim community that the Council should make a concession for the town centre churches which, due to their location, have no parking attached to their premises. At the same time, it was seen as unfair in a multi-cultural society if similar concessions were not also made for faith groups whose day of religious observance was not a Sunday.
- 3.16 Paragraphs 5.7– 5.12 analyse the cost to the Council of allowing worshippers to park free of charge on Sundays. It is estimated that the reduction in income to the Council (if everyone who currently receives free parking chose to pay) is £780 or £40,560 per annum. The figures referred to in the EqIA for income from the car parks can be updated in accordance with the latest Green Book figures. The total weekly income from the car parks for 2011-12 is £90,019 (£4,681,000 per annum).

## Car Parking Charges for the Faith Community

### 4.0 Considerations

- 4.1 Adopting either of the two recommendations set out in paragraphs 3.2(ii) and (iii) above (rescinding Sunday parking charges for all visitors to the town) would result in a significant reduction in parking income to the Council. Rescinding charges for all visitors between 7.00 a.m. and 1.00 p.m. would result in an estimated drop in income of £3,000 per week and £156,000 per annum. Rescinding charges for all visitors for the entire charging period would result in an estimated drop in income of £6,300 per week and £327,600 per annum. This reduction in income would have a material and adverse impact on the Council's ability to continue to provide the services it does. Neither of these recommendations can be supported.
- 4.2 Places of worship, and the faith communities that they serve, play an important role, both in society in general and Woking in particular. They encourage people to participate in society, thereby promoting social inclusion. In addition, considerable voluntary work is organised by faith communities, often for the benefit of the more disadvantaged members of our society.
- 4.3 The Council should, where it is reasonable and proportionate to do so, support the faith communities within Woking. This is a "legitimate aim" for the purposes of the Act.
- 4.4 The Council needs to consider whether allowing worshippers free car parking on Sundays is a proportionate means of supporting faith communities. In doing so, it must have due regard to its PSED and the results of the EqIA.
- 4.5 It is clear from the EqIA that the present practice of allowing churchgoers free parking on Sundays is of benefit to persons who share a protected characteristic based upon religion. It is also clear that some of the people who benefit share other protected characteristics, e.g. age, race, disability, sex, pregnancy and maternity etc. It is the more disadvantaged communities within church congregations for whom the financial benefits of free parking makes a tangible difference. The Sunday service is the engine of growth for the church which fuels its membership, the introduction of charges for the more disadvantaged groups could potentially inhibit church membership among those groups and could potentially curtail new membership from disadvantaged groups (paragraph 5.4 of the EqIA).
- 4.6 It is also clear from the EqIA that religious groups whose days of observance are not a Sunday are adversely affected by the practice. This cannot be justified. It is recommended that the concession be extended to all religious groups on their primary day of worship.
- 4.7 Consideration has been given to the findings of the EqIA in respect of persons with no religious belief (see in particular paragraph 5.15 of the EqIA). It is considered that the adverse effect suffered by individuals (i.e. having to pay Sunday parking charges) is proportionate when compared with the benefits resulting from the Council's "legitimate aim". The possibility of rescinding charges for all visitors to Woking has already been discounted, so the only realistic alternative to continuing with the current practice (albeit in an extended form) would be to remove the concession that applies to worshippers. This would mean that individuals visiting Woking would still have to pay car parking charges.
- 4.8 The reduction in income to the Council resulting from the concession is set out in the EqIA and paragraph 3.16 of this report. The reduction represents [0.87]% of the weekly car park income. This is a small proportion. The reduction in income is taken account of when the Council's estimates/budgets are prepared. It is estimated that extending the concession to other faith groups will result in a further reduction in income of £220 per



## Car Parking Charges for the Faith Community

limit on disabled persons using them. This is intended to make the bays available to a larger number of disabled users. It is recommended that Surrey County Council be advised of the concerns detailed in the EqIA.

- 4.12 The second separate recommendation in the EqIA is that it should be made available to all who took part in the consultation underpinning it and that it is placed on the Council's website. The EqIA is a public document and this is being done.

### 5.0 Implications

#### Financial

- 5.1 These are expressly referred to in the report.

#### Human Resource/Training and Development

- 5.2 None.

#### Community Safety

- 5.3 None.

#### Risk Management

- 5.4 None.

#### Sustainability

- 5.5 Adopting the Policy Statement, and permitting free parking in accordance with it, supports and strengthens the faith community in Woking. This contributes to greater access to leisure/cultural facilities (i.e. the places of worship and ancillary accommodation etc.), social inclusion (through attending places of worship and ancillary accommodation etc.), equal opportunities for the whole community (attendance is not usually restricted to members of the particular faith concerned) and Woking's pride of place (resulting from having an active and supported faith community).

#### Equalities

- 5.6 These are expressly referred to in the report.

### 6.0 Consultations

- 6.1 There was widespread consultation as part of the EqIA (see Appendix A to the EqIA).

REPORT ENDS

EXE12-027

EXECUTIVE - 13 OCTOBER 2011

## WORSHIPPERS' CAR PARKING CHARGES

### Executive Summary

The Council's practice of allowing certain churchgoers to park free of charge on a Sunday has been challenged as being in breach of the Equality Act 2010.

Counsel has advised that the practice amounts to indirect discrimination, but could be justified on the basis that it is a proportionate means of achieving a legitimate aim. In order to meet the justification requirements laid down in the Equality Act 2010, the Council should carry out a full Equality Impact Assessment to measure the impact of the 'free parking', including the cost to the Council, the effect it has on churchgoers and the effect it has on the wider community.

This report recommends that the Council should commission the Equality Impact Assessment so that it can subsequently decide whether it should continue to allow churchgoers to park free of charge on Sundays.

### Reasons for Decision

To enable the Council to determine, at a later date, whether its practice of allowing churchgoers to park free of charge on a Sunday constitutes discrimination under the Equality Act 2010.

### Recommendations

The Executive is requested to:

#### RESOLVE That

- (i) An Equality Impact Assessment to measure the impact of allowing churchgoers to park free of charge on Sundays be undertaken;
- (ii) The Head of Legal Services be authorised to appoint a suitable consultant to undertake the Equality Impact Assessment without going through the usual quotation process under Contract Standing Orders (provided he is satisfied that the contract represents value for money);
- (iii) The results of the Equality Impact Assessment be reported back to the Executive, and
- (iv) There be no change to the Council's practice of allowing churchgoers to park free of charge on Sundays whilst the Equality Impact Assessment is being undertaken and considered.

**The Executive has authority to determine the above recommendations.**

### Background Papers:

Counsel's Advice  
Letter from Mrs J Kenyon dated 30 August 2011  
Extract from National Secular Society's website

## Worshippers Car Parking Charges

Sustainability Impact Assessment  
Equalities Impact Assessment

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### Date Published:

7 October 2011

**1.0 Introduction**

1.1 The Council's practice of allowing certain churchgoers to park free of charge on a Sunday has been challenged as being in breach of the Equality Act 2010.

**2.0 Background**

- 2.1 Prior to 2000, no charges were levied for parking in the Council's car parks on a Sunday. In 2000, charges were introduced for parking between 1.00 p.m. and 5.00 p.m. in some of the car parks. These charges did not materially impact on churchgoers.
- 2.2 In 2003, the charging hours were extended so that they commenced at 11.00 a.m. At that time, the Council agreed to install a pay on foot ticket validator in ChristChurch, Woking. This enables worshippers at that church to have their car parking entry ticket for the nearby Victoria Way car park validated free of charge, following which they have a set time to leave the car park.
- 2.3 In 2006, the Council agreed that Sunday car parking charges would be extended to other town centre car parks when they were converted to the pay on foot on exit system. The Council also agreed to provide free parking to worshippers at other churches which were affected by the introduction of the charges.
- 2.4 The current position is that pay on foot validators are installed in ChristChurch and the Trinity Methodist Church. Worshippers at the Coln Church are allowed to use the validator at H G Wells. The Woking United Reform Church has been provided with 150 parking permits for their worshippers to use on a Sunday (which allow them to park free of charge)

**3 The Legal Challenge**

- 3.1 A local resident, Mrs Julie Kenyon, has written to the Head of Legal Services and certain Councillors stating that the Council's practice amounts to discrimination under the Equality Act 2010. A copy of her letter is attached as Appendix 1.
- 3.2 Although Mrs Kenyon refers specifically to St Dunstan's Church, this is not one of those churches which have the benefit of free parking on Sundays. This is because it is in the controlled parking zone where worshippers can park on the street on Sundays (the hours of control are Mondays to Fridays between 9.30 a.m. and 11.30 a.m). However, the Council does need to address the general allegation that its practice in respect of other churches is a breach of the Equality Act 2010.
- 3.3 In her letter, Mrs Kenyon states that "*Westminster Council recently voted against providing free parking for religious groups after it was drawn to their attention that they would be acting illegally by doing so.*" The City of Westminster's Head of Legal and Democratic Services has confirmed that the suggestion that there should be some form of permit scheme for churchgoers was considered and rejected by Westminster's Cabinet, but not on equalities grounds.
- 3.4 The Council's practice of allowing worshippers to park free of charge on a Sunday has also been questioned by the National Secular Society on the ground that it is discriminatory under the Equality Act 2010. An extract from their web-site is enclosed (Appendix 2), but there has been no direct contact from them (It is assumed that the warning they refer to is that contained in Mrs Kenyon's letter).



**4 Legal Advice**

- 4.1 The Head of Legal Services has sought Counsel's advice on this matter. A copy of Counsel's (Mr Peter Doughty, 12 College Place, Southampton) Advice is attached as Appendix 3.
- 4.2 Mr Doughty has advised that the Council's practice amounts to indirect discrimination, but could be justified on the basis that it is a proportionate means of achieving a legitimate aim. In order to meet the justification requirements laid down in the Equality Act 2010, the Council should carry out a full Equality Impact Assessment to measure the impact of the 'free parking', including the cost to the Council, the effect it has on churchgoers and the effect it has on the wider community.
- 4.3 The outcome of the Equality Impact Assessment referred to by Mr Doughty will determine whether the Council can continue with its practice of allowing worshippers to park free of charge on a Sunday. If the practice can't be justified (from a legal point of view), it must stop. If the practice can be justified, it can continue (although it should be reviewed on a regular basis). It would be reasonable for the Council to continue with the practice whilst it undertakes the Equality Impact Assessment.

**5 Equality Impact Assessment**

- 5.1 It is recommended that the Council commissions a specialist consultant to undertake the Equality Impact Assessment. This should ensure that it possesses the necessary objectivity and robustness if its conclusions are subsequently challenged by third-parties.
- 5.2 The Council does need to resolve this issue quickly. On that basis, it is recommended that the Head of Legal Services be authorised to appoint a suitable consultant without going through the usual quotation process under Contract Standing Orders (provided he is satisfied that the contract represents value for money).

**6 Implications**

Financial

- 6.1 The cost of appointing a suitable consultant to carry out the Equality Impact Assessment is estimated to be approximately £5,000. This can be met from existing budgets.

Human Resource/Training and Development

- 6.2 None.

Community Safety

- 6.3 None

Risk Management

- 6.4 The Council's practice of allowing churchgoers to park free of charge on Sundays is at risk of legal challenge. This risk should be reduced if an Equality Impact Assessment is carried out. The risks will need to be re-assessed when the Equality Impact Assessment has been completed.

Sustainability

## Worshippers Car Parking Charges

- 6.5 There are no direct implications arising from the recommendation to carry out the Equality Impact Assessment (this will identify any implications resulting from the Council's practice of allowing churchgoers to park free of charge on Sundays)

### Equalities

- 6.6 There are no direct implications arising from the recommendation to carry out the Equality Impact Assessment (this will identify any implications resulting from the Council's practice of allowing churchgoers to park free of charge on Sundays).

### **7 Consultations**

- 7.1 None, at this stage. Appropriate consultation will be undertaken as part of the Equality Impact Assessment.

REPORT ENDS



30 August 2011

12 Maybury Court

Shaftesbury Road

Woking

GU22 7PT

Breach of Equality Act 2010

Peter Bryant

Head of Legal Services

Woking Borough Council

Civic Offices

Gloucester Square

Woking

GU21 6YL

Dear Mr Bryant

**Worshippers Parking Charges**

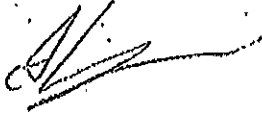
Further to a recent disclosure under a FOI request I attach for your information an email sent to various councillors who are involved with parking decisions in respect of this matter. Cllr Thomson is included as he is the councillor for the ward concerned. The contents of the email are self explanatory.

As head of legal services for the council I believe you have a duty to ensure compliance with the Equality Act – the fact that religious groups have been granted this privilege is discrimination. I have long suspected that people parking in and around Shaftesbury Road to attend St Dunstan's have been allowed to get away with parking in a controlled zone during the times a CPZ is in force whilst local residents are ticketed. One neighbour has written evidence from a police officer which states that tickets won't be issued to cars attending St Dunstan's.

The council cannot continue to operate this two tier system where some people are given privileges because of their religion – irrespective of what that religion is. It will be even more of a concern if any councillors or council employees are discovered to hold positions of authority within any of the churches in the town centre where free parking has been taken without any thought for their fellow citizens. We have already seen that on a number of occasions that decisions regarding St Dunstan's have involved people who are both councillors and members of the church – this often results in even more disruption for those who live near by.

I look forward to hearing your proposals for redressing this matter and suggestions for recovering funding that has already been spent subsidising parking for these groups.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Julie Kenyon', written over a horizontal line.

Julie Kenyon (Mrs)

CC - Jonathan Lord MP

Geoff McManus

Dear Cllrs Thomson, Lyons & Kingsbury

Further to the recent release of information regarding free parking being given to worshippers in Woking town centre I would like to know when this privilege will end. Under the Equality Act 2010 the council are acting illegally by discriminating in favour of religious groups. Westminster Council recently voted against providing free parking for religious groups after it was drawn to their attention that they would have been acting illegally by doing so.

I note that in November 2010 the council stated their intention to monitor FOI requests in order to keep tabs on "those that abuse them". I wonder exactly what abuse this form would take - perhaps it is more likely that the council don't want the truth of some decisions to be exposed.

The council's own web site lists amongst others the following behaviours for Councillors:

- are collectively the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the good governance of the area and actively encourage citizen involvement in decision making;
- effectively represent the interests of their Ward and of individual constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- participate in the governance and management of the Council;
- maintain the highest standards of conduct and ethics; and
- serve the public interest and take decisions having regard to the interests of the whole local community.

In the course of deciding to grant parking privileges to certain members of the community the council have failed to meet a number of these behavioral standards. There are now only 2 options available to the council to address:

1. Remove all parking charges on Sunday
2. Charge everyone to park in the town

I look forward to confirmation from the council as to which of these options will be chosen.

Yours sincerely  
Julie Kenyon



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A Freedom of Information request to Woking Borough Council has revealed that preferential parking concessions for people going to church saved the worshippers £59,804 between 1 January 2009 and 30 June 2011.

According to the council, church congregations are able to take advantage of the parking subsidy if they are parking in Victoria Way and Brewery Road car parks. The churchgoers insert tickets in a 'valeting device' held at the place of worship. This encodes the ticket that can then be inserted into the exit barrier allowing them to leave without payment.

The figures amount to £39,221 at Coln Church, £11,137 at Christ Church and £6,504 at Trinity Methodist Church, adding up to a total of £55,864 in the two-and-a-half year period.

According to the council, the decision to introduce the system was agreed by the executive in response to the town's pay-on-foot car parks.

Sue Waddington, a youth worker and member of Trinity Methodist Church said it would be unfair to make people pay for parking who go to church. She said: "We are very limited in parking so it does help. It is given to people who want to worship, not go shopping. A lot of people who go to the church don't go shopping on a Sunday."

Geoff McLanus, the council's neighbourhood services manager, said: "The council has always been sympathetic towards car parking arrangements for town centre faith groups. Since the phased introduction from 2003 of pay-on-foot systems into council-owned car parks, arrangements have been made with three town centre churches to enable worshippers to attend morning services free of charge.

"The arrangements in place at this time are a result of direct representations to the council from the churches concerned. If we receive representations from other faith groups, the council would consider those in line with current policy."

Tony Sanderson, President of the National Secular Society, said: "This arrangement is almost certainly illegal under equality legislation and the NSS has written to Woking Council to advise them of this."

Mr Sanderson said that it was likely that many councils throughout the country are operating similar systems. He said: "I encourage our members to check the websites of their local authority to see if there are other concessionary parking arrangements for 'faith groups'. If Woking's exemptions were to be replicated throughout the country, the subsidy would amount to tens of millions of pounds.

"We have advised the council that under the Equality Act these arrangements almost certainly amount to illegal discrimination. We await their response with interest."

Fri, 02 Sep 2011

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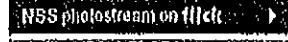
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IN THE MATTER OF THE EQUALITY ACT 2010 &  
WORSHIPPERS' PARKING CHARGES

ADVICE

1. I have been instructed to advise on behalf of Woking Borough Council (WBC).

**Background**

2. The facts of this matter are relatively straightforward. WBC charge for parking on Sunday mornings in the town centre. This was implemented in two stages in 2003 and 2006. Some users of the car parks do not pay for their parking on Sunday mornings by arrangement with WBC. These users attend churches close to the car parks. This is done either by way of a validation machine or by permit issued to the church goer.

3. WBC have made it clear in my instructions that although free parking is only extended to churches there is no reason in principle why this would not cover attendees to mosques on Fridays or Synagogues on Saturdays in appropriate circumstances.

4. Objections to the policy have been received from a member of the public. She objects to the provision of free parking for those attending the local churches on a Sunday as it is discriminatory. The matter has also been discussed on the National Secular Society website. There is presently no legal challenge to the policy however concerns having been raised by a member of the public WBC thought it appropriate to seek guidance on the matter.

## Analysis

5. The first issue is to decide whether the act of giving free parking to the churchgoers is in fact discriminatory. WBC is giving a free service to one group(s) of people (churchgoers) to the exclusion of others. This is unequal treatment. This would appear to be discriminatory.

6. The next question is whether the discriminatory act is direct or indirect discrimination under the Equality Act 2010. This is not entirely straightforward as at first glance this appears to be a straightforward direct discrimination claim. WBC is offering free parking to Christians attending church locally whilst everyone else irrespective of religion or belief pays. However it is not only Christians who will be attending the churches but also husbands/wives, carers, choristers, bell ringers and organ players. The benefit accrues to church attendees not solely to Christians.

7. Attendance at church is a manifestation of belief rather than the belief itself. Christians attend church however it is not necessary to be a Christian to attend church although most people who attend church are in fact Christians. So the provision criteria and practice being applied in this case is the need to attend church to get free parking on a Sunday morning. This requirement is one that other non-Christians are less likely to be able to comply with. This means that they are being indirectly discriminated against.

8. Being a case of indirect discrimination it is possible for WBC to justify the provision of free parking by proving that the provision of free parking is a proportionate means of meeting a legitimate aim. What I have struggled with in this case is what the legitimate aim is?

9. WBC has created through the charging policy a disadvantage to a particular group of people namely churchgoers. This disadvantage is connected to the characteristic of their religion. The way to remove the disadvantage (the parking charge) is to allow churchgoers to park for free.



10. The aim of the policy would appear to me to be to remove barriers to those who wish to worship on a Sunday in town centre churches. The free parking allowance removed the immediate impact of the change in car park charging policy. Moving forwards however a policy which continues to advantage one group of people over another on the grounds of a protected characteristic for an indefinite period of time may prove difficult to defend.

11. A phased transition to the new charging system would succeed as being proportionate whereas a long term subsidy would need to be the subject of a full Equality Impact Assessment (EIA) with regular reviews to ensure compliance with the Equality Act 2010.

12. In summary:

- a) The policy in relation to free parking is indirectly discriminatory.
- b) It is possible to justify indirect discrimination on the grounds that the policy is a proportionate means of achieving a legitimate aim.
- c) The legitimate aim identified by WBC is to prevent churchgoers from being disadvantaged by a characteristic connected to the Christian religion caused by WBC charging for parking on Sunday.
- d) The only way to remove the disadvantage is to remove the charge.
- e) I believe a policy of ongoing subsidy without any limitation in time could be held to be disproportionate.
- f) In order to meet the justification requirements laid down in the Equality Act 2010, I suggest that there is an EIA carried out immediately to properly measure the impact of the 'free parking' including the cost to WBC, effect it has on churchgoers and the effect it has on the wider community.

g) If it is decided having carried out the EIA that the practice of 'free parking' is to continue then the policy should be regularly reviewed to ensure that it is meeting its aim without disproportionately disadvantaging others.

Peter Doughty

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# Equality Impact Assessment

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Sunday Parking Charges: Report to  
Woking Borough Council  
February 2012

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Skyers-Poorman Research and Consulting  
(Registered Company Skyers-Morris Associates Ltd Number 5657517)

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## **Acknowledgements**

We would like to thank everyone who took part in the consultation. The views expressed in this report are entirely those of Skyers-Poorman Research and Consulting and in no way represent the views of Woking Borough Council or the Equality and Human Rights Commission.

# Executive Summary

## Introduction

Woking Borough Council commissioned Skyers-Poorman Research and Consulting, to undertake an Independent Equality Impact Assessment (EqIA) on its current Sunday car parking practice. An EqIA is a systematic and comprehensive assessment of a policy or practice from an equality perspective and in this context, the purpose of this EqIA is to assess the positive, negative or differential impacts in relation to the following:

- The impact of free Sunday parking on churchgoers
- The cost of free Sunday parking to the Council
- The impact of free Sunday parking on the wider community

## Approach to the EqIA

The EqIA has been organised around an approach involving screening WBC's practice in relation to car parking charges; desk research and documentary reviews of relevant background information from the inception of the policy in 2003 to the present; an analysis of demographic data, and in depth interviews and focus groups comprising 163 stakeholders. The participants in the interviews and focus groups included: WBC officers and elected members; representatives of the faith community in Woking; representatives of the non-faith community; a representative of the National Secular Society; the Woking Disability Access Group; the Woking Residents Panel; representatives of the business community in Woking; the Equality and Human Rights Commission (EHRC), and written responses.

## Key Conclusions

The Sunday parking practice of allowing churchgoers to park for free was a reactive one that was introduced as a result of representations to WBC from churches in the Town Centre. The practice of free parking has benefits for some churchgoers, from disadvantaged groups such as black and minority ethnic (BME) residents, women, carers, and older churchgoers who are more likely to be on a limited income, and for whom public transport is not accessible. It also has positive benefits for higher income churchgoers who derive the benefits of free parking. Working residents who are disabled blue badge holders do not appear to uniformly derive positive benefits from the scheme due to the multi-storey car parks being perceived as inaccessible to some disabled people. There is also a three hour time restriction that has been imposed by Surrey County Council (SCC) on the on street disabled parking bays which are the responsibility of SCC and therefore fall outside the scope of the free Sunday parking scheme for churchgoers which is administered by WBC. There are other residents of faith groups, such as the Muslim community who are disadvantaged by the practice which does not currently recognise days of religious observance other than a Sunday. In addition, disadvantaged residents of the non-faith community who are on low incomes are potentially adversely impacted by the practice.

The church in Woking is seen as fulfilling an important community and social integration function. The discourse on parking charges it is argued also needs to be expanded to take account of diverse

lifestyles and secular activities that also enhance social integration. Along with church activities, those activities are also seen as contributing to the dynamism of the Town Centre, to its social milieu, and to its cohesion.

### **Recommendations**

The EqIA has found that the current practice of allowing worshippers to park free on Sunday's was implemented as a reactive practice, and did not consider the needs of the wider community. The practice does not impact positively on all churchgoers as it has a negative impact on disabled Woking residents within the faith community who are excluded from its benefits, and on the wider community of residents, including disabled people who are also excluded from its benefits.

It is recommended that:

1. WBC addresses the current arrangements in relation to disabled people and Sunday parking as a matter of urgency by taking up the issue in relation to the on-street parking bays as a matter of urgency.
2. That WBC continue with the practice of allowing worshippers to park free if the Council is able to determine that it is a 'proportionate' means of achieving a legitimate aim' and having had proper regard to all of the issues raised in this EqIA.

Or

3. WBC rescind Sunday car parking charges for all visitors to the Town Centre between the hours of 7.00am and 1.00pm.

Or

4. WBC rescind Sunday parking charges for all visitors to Woking town centre on Sundays.

It is recommended that:

5. WBC make the EqIA available to all who took part in the consultation underpinning it and that it is also placed on the Council's website.

# 1. Introduction

## Context and Background

1.1 Woking Borough Council (WBC) has a statutory responsibility under the Equality Act, 2010, to consider the impact of its decisions in relation to age, disability, sex, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, and sexual orientation. In addition, WBC also has a statutory duty to foster good relations between different groups of people, coupled with a responsibility to promote equality of opportunity. WBC has introduced a policy of allowing worshippers at Coign Church, Christ Church, Trinity Methodist Church, and Woking United Reform Church to park free of charge on Sunday mornings in Victoria Way and Brewery Road public car parks. At the same time, concessionary Sunday charging arrangements apply, capped at £3.00 in respect of other users of Woking town centre car parks on a Sunday. The practice of allowing worshippers attending the Town Centre churches to park free on a Sunday has been subject to a challenge under the terms of the Equality Act 2010 and WBC has commissioned Skyers-Poorman Research and Consulting, to undertake an independent Equality Impact Assessment (EqIA) on its current Sunday car parking practice.

1.2 An EqIA is a systematic and comprehensive assessment of a policy or practice from an equality perspective and in this context, the purpose of this EqIA is to assess the positive, negative or differential impacts of the following:

- The Impact of free Sunday parking on churchgoers
- The cost of free Sunday parking to the Council
- The impact of free Sunday parking on the wider community

## Organisation of the EqIA

1.3 The EqIA is organised as follows: the following Section 2 sets the context for equality in Woking and provides a demographic profile of the borough. It sets the legislative landscape for equality, and how it relates to Sunday car parking charges. Section 3 explains WBC's current practice in relation to Sunday parking charges, and Section 4 sets out the approach adopted in conducting the EqIA. Section 5 presents the findings of the EqIA in relation to the specific issues set out above and Section 6, the final section concludes the EqIA and sets out a series of recommendations. The final section also points the reader to a separate Action Plan which accompanies this report. The Action Plan summarises the potential for positive, negative, and differential impacts identified during an analysis of the Sunday charging practice and relates to the recommendations.

# 2. The context for equality

## A demographic profile of Woking

2.1 Woking has an estimated residential population of approximately 93,500 according to mid 2010 estimates, of which, 51.2% are male and 48.8% are female. There are also 39,941 households in Woking 28.3% of which are one person households and 30.6% of which have dependent children.



Of the resident population, 54% of residents are married, and 28% have never married. The demographics of sexual orientation, gender reassignment, and same sex couple households are difficult to establish as there are currently no reliable data. The campaigning organisation for Lesbian, Gay and Bisexual (LGB) people, Stonewall, has promoted the figure of 5-7% of a community as being LGB. In Woking this would represent 4,675 residents based on a 5% figure and 6,545 based on a 7% figure.<sup>1</sup> The ONS Integrated Household Survey for April 2010 to March 2011 calculates the LGB figure as 1.5% of the population.<sup>2</sup> The Gender Trust and the organisation Press for Change have produced statistical estimates of 25 per 100,000 of the population based on research into the numbers of people who have undergone gender reassignment procedures and in terms of that estimate, 23 Woking residents would be transgender.<sup>3</sup>

2.2 The largest ethnic group is the White population comprising 91.3%, and this is followed by the Asian or Asian British population which comprises 5.8%. The Black or Black British population and the Chinese population have identical proportions of 0.5%, and the Other Ethnic Group comprises 0.6%. The population of Woking is also young in terms of its age structure with 19.2% of the population being under 14 years of age, 66.1% being aged between 15-64, and 14.7% being aged 65 or over. The proportion of the population that reported having a moderate disability is 4.8% and this is most pronounced in the 55-64 age range and the 45-54 age range where the proportions are 14.6% and 9.8% respectively. A total of 13% of Woking residents reported having a long term limiting illness, the most pronounced being in the 85+, 75-84 and 65-74 age groups where the proportions are 58%, 49.7% and 30.4% respectively. The proportion of Woking residents claiming Job Seekers Allowance was 1.9% in 2011 and this is below the proportion for the South East of 2.5% and the national claimant rate of 3.6%, but above the Surrey average of 1.7%. Whilst the demographics at ward level in general mirror the averages for Woking as a district, there are some striking variations. The distribution of the BME population for example is by no means uniform in Woking. The ward with the highest proportion of BME groups is the Maybury and Sheerwater ward where the proportion is 34% and this is followed by the ward of Goldsworth East where the proportion is 11.6%. The ward with the highest economic activity rate is Goldsworth West where the proportion is 82% whilst the Pyrford ward has the lowest number of people who are economically active at 65.2%.

2.3 In terms of faith and non faith groups, 71.3% of residents describe themselves as Christian forming the largest religious group. The group with the highest proportion after Christianity is those of no religion, 15.1%, followed by those who did not state their religion 6.8%, and Muslim, 5.1%. The table below provides a breakdown of religious groups in Woking.<sup>4</sup>

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<sup>1</sup> [www.stonewall.org.uk](http://www.stonewall.org.uk)

<sup>2</sup> Integrated Household Survey, April 2010 – March 2011: Experimental Statistics [www.ons.gov.uk](http://www.ons.gov.uk)

<sup>3</sup> [www.pfc.org.uk](http://www.pfc.org.uk) and [www.gendertrust.org.uk](http://www.gendertrust.org.uk)

<sup>4</sup> POPPI and PANSI data, Woking Borough Council, 2010

Religious or Non-Religious Groups	%
Christianity	71.3
No Religion	15.1
Religion not stated	6.8
Muslim	5.1
Hindu	0.7
Jewish	0.3
Buddhist	0.3
Other religions	0.3

### The legislative landscape for equality

2.4 The legislative landscape for equalities has been continually shifting since the 1960s with several additions and amendments being made to anti-discrimination law. At the time WBC introduced its parking practice, there were separate pieces of anti-discrimination legislation in relation to race, disability, gender, sexual orientation, religion and belief and age. The Equality Act 2010 replaced the principal separate pieces of legislation by consolidating and harmonising the law. It replaced the former positive public sector duties in relation to race, disability and gender, with a single general public sector equality duty which came into force in April, 2011. The legislative changes are anchored in a paradigm shift in which the focus for equality has moved from individual acts of restitution, to the delivery of equality and the tackling of inequality in a proactive and pre-emptive way, embracing entire organisational systems, cultures, practices and procedures. The public sector equality duty is underpinned by specific equality duties designed to assist public authorities in meeting the general duty. The duty applies to those who are referred to in the Act as sharing a *protected characteristic*, specifically in relation to age, disability, sex, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, and sexual orientation. The general equality duty places a legal requirement on public authorities such as WBC in the exercise of their functions to, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.7 The issue in relation to equality and Sunday parking is by no means straightforward and the advice of Counsel was therefore sought by WBC. The legal opinion given was that whilst the practice in relation to free parking for churchgoers could be said to be *indirectly discriminatory* under the terms of the Equality Act 2010 as it is not accessible to non-Sunday churchgoers, it could be justified if it is a '*proportionate means of achieving a legitimate aim*'. In this case, the legitimate aim

identified by Counsel, instructed by WBC is to prevent churchgoers from being disadvantaged by a characteristic connected to the Christian religion resulting from WBC's Sunday parking charges. At the same time, Counsel advised that in order to meet the justification requirements laid down in the Equality Act 2010 a full EqIA should be carried out to measure the impact of the practice of free parking for Sunday worshippers, the cost to WBC, the effect it has on churchgoers, and the effect it has on the wider community.

### **3. WBC Sunday parking charges practice**

#### **Introduction of free Sunday parking for churchgoers**

3.1 The policy of WBC is to review its discretionary fees and charges at least once each year to maximise its income and its annual review of its discretionary fees provides detailed information on this. As part of WBC's review of parking charges, Sunday parking charges were introduced in the Town Centre in 2003 and in 2008 as part of a two-staged process. The current practice is that Sunday charges apply to anyone visiting the Town Centre car parks on a Sunday and they are applied on a 24 hour basis. The charge is £1.10 for the first hour, a further £1.10 for the second hour and a maximum charge of £3.00 for the next hour and for the remainder of Sunday. WBC received formal representations from churches located in the Town Centre stating that their worshippers would be adversely affected by the practice. WBC also received objections from local shops and retailers about the potential negative impact on trade in the Town Centre and on shoppers in relation to an increase in parking charges across the board, not specifically in relation to Sunday Parking.

3.2 When the practice of levying Sunday parking charges was introduced, representation was made by the churches in the Town Centre to the Council. WBC then implemented a responsive practice, putting in place free Sunday parking arrangements for worshippers at Christ Church, Coign Church, Trinity Methodist Church and Woking United Reform Church. The terms of this arrangement are that Christ Church, Coign Church, and Trinity Methodist Church have been given ticket validating machines by WBC allowing their members to validate their parking tickets in the pay on foot exit car parks in Victoria Way, and Brewery Road. In the case of Woking United Reform Church, which uses the Heathside Crescent car park, worshippers have been provided with parking permits as that car park does not operate a pay on foot exit system. Objections to the practice of allowing churchgoers to park free have been received by WBC from a member of the public who has stated that the practice is discriminatory in being inaccessible to non-churchgoers and people of no religious belief. The issue has also been discussed on the National Secular Society website. As already stated above, WBC, having sought the advice of Counsel has been advised that the practice is indirectly discriminatory and has been advised to carry out a full EqIA.

### **4. Approach to the EqIA**

4.1 As a public body with a statutory responsibility to ensure equitable access to its services, WBC considers the impact of its policies and strategies from an equality perspective. The purpose is to identify whether there is potential for a positive, negative or differential impact on Woking residents, and where necessary, to take measures to mitigate any potential negative impact, as well as to enhance positive impacts. The EqIA has been organised around the following approach:

- Screening WBC's practice in relation to car parking charges.
- Desk research and documentary reviews of relevant background information from the inception of the practice in 2003 to the present.
- An analysis of demographic data including data on faith and religious groups, non-faith groups, race and ethnicity, gender breakdown, age, and other demographic data.
- In depth interviews and focus groups conducted with 163 stakeholders including: WBC officers and elected members; representatives of the faith community in Woking; representatives of the non-faith community in Woking; a representative of the National Secular Society; the Woking Disability Access Group; the Woking Residents Panel; representatives of the business community in Woking, and the Equality and Human Rights Commission (EHRC). A list of stakeholders is given in the Appendix.
- Production of a short article in the National Secular Society newsletter soliciting the views of its wider membership.
- Written responses from 4 members of the Woking Residents Panel who were unable to participate in an interview or a focus group.

4.2 The table that follows sets out the EqIA consultation respondents:

Woking Residents Panel			
One-to-One Interviews	Group Interviews and Participants		Written Responses
25	Coign Church	14	4
	Christ Church	9	
	Woking United Reform	6	
	Trinity Methodist	38	
	Portugal Road Mosque	4	
	Oriental Road Mosque	53	
	Woking Residents Panel	10	
Total 163			

#### EqIA assessment framework

4.3 To assess the impact of free parking on churchgoers, the cost to WBC, and the impact that it has on the wider community, the EqIA has focused its analysis on a set of questions structured around the following EqIA framework employed by a range of public bodies for which Skyers-Poorman Research and Consulting has conducted EqIA's. The questions that have guided the EqIA are set out in the following table:

#### EqIA assessment framework

- What are the current Sunday car parking arrangements and how do they operate?
- What are the resource implications for WBC?
- What is the existing situation in relation to protected groups as it applies to this practice?
- How do the stated aims and objectives of the practice relate to Town Centre churches?
- How does the practice of free Sunday parking for churchgoers promote equality?
- What are the groups on which the practice has a positive impact and in what way(s)?
- Are there any groups that are disadvantaged by the practice and in what way(s)?
- Can the disadvantage be mitigated? If so, in what way(s)?
- Are there any groups that are unintended beneficiaries of the practice?
- Will the practice promote a culture of equality, fairness and respect?
- Are there any issues raised by faith groups and non-faith groups about the practice?
- How does the practice apply to other days of religious observance?
- How will the results of the EqIA be publicised and monitored?

4.4 The analysis of the results of the EqIA consultation has been structured around a version of framework analysis where relevant themes and sub-themes that relate to the *positive*, *negative*, and or *differential* impact of the free Sunday parking practice, and the potential for mitigation have been identified. Arising from the analysis are a set of recommendations and a separate Action Plan.

## 5. EqIA of the Council's parking charge practice

5.1 This section presents the equality issues in relation to the practice of Sunday parking and in relation to the specific issues set out above which are to examine:

- The impact of free Sunday parking on churchgoers
- The cost of free Sunday parking to the Council
- The impact of free Sunday parking on the wider community

### The impact of free Sunday parking on churchgoers

5.2 The rescinding of Sunday car parking charges for churchgoers has had a positive impact on many worshippers living in Woking and on those who attend churches in Woking from outside the borough. In terms of the worshippers that benefit, data delineated along the lines of the equality groups are limited and much of it is impressionistic, anecdotal, observational, and provided by church leaders and members of the faith community. There are in the region of twenty different nationalities and ethnic groups represented in the churches, a cross section of younger and older worshippers, and worshippers with a range of disabilities and access needs. Roughly an equal proportion of worshippers in Town Centre churches are men and women and this reflects the gender profile of the borough. Whilst Woking is a relatively affluent borough with a significantly lower unemployment rate compared to the national average, and has a high proportion of its population in managerial and associate professional and technical occupations, that is 20.6% and 15.2% respectively, women whom as we have seen, comprise a little more than half of the borough's population (51.2%), mirroring the national picture, will tend, disproportionately, to be in less well

paid employment and to have lower incomes.<sup>5</sup> A key explanation for this is horizontal and vertical occupational segregation, as well as a range of other barriers to labour market entry and progression.<sup>6</sup> Moreover, in terms of young people, as well as people already suffering the effects of disadvantage in the labour market such as BME communities and disabled people, the recession has exacerbated a legacy of high unemployment, low pay and insecure employment, and low incomes and these groups, across all areas of the UK, including areas within Woking, are feeling the pronounced impact of this. As an illustration of disparity, the level of employment for the Maybury and Sheerwater ward at the time of the 2001 census was 61.7% compared with 68.8% for the borough as a whole. This ward also had a higher proportion of BME residents, a higher proportion of lone parent households with dependent children, and a higher proportion of residents who were permanently sick and disabled compared with the borough as a whole.

5.3 Churchgoers in Woking as a religious group under current equality legislation, share a protected characteristic and experience the advantages of free parking on a Sunday. At the same time, some worshippers who share the protected characteristic based on religion, also have other protected characteristics such as on grounds of age, race, disability, sex, pregnancy and maternity and so forth, and also experience the advantages of free Sunday parking. The current arrangement enables churchgoers to worship without the burden of a financial cost, and this is congruent with Sunday traditionally being seen as a day of religious observance, prior to a relaxation of Sunday trading laws. Whilst some churchgoers benefit from the practice of free Sunday parking, it is the more disadvantaged communities within church congregations for whom the financial benefits of free parking does make a tangible material difference. This includes for example, women, BME residents, young people, older people of pensionable age, carers, and other groups on lower incomes. In addition, older people and those with caring responsibilities for example, find it difficult to use the transport network which has an extremely limited Sunday operation in Woking. As women tend to be the main carers of children, and people aged 50+ are more likely to be in a caring role, free parking is particularly important as the logistics of travel to and from church and the additional problem of navigating an infrequent Sunday bus service are major barriers.<sup>7</sup>

5.4 Among Woking residents who are also on low incomes, a Sunday parking charge of £3.00 per week can represent a significant portion of their individual or household income. Whilst the vast majority of worshippers stated during the EqIA consultation that a reintroduction of charges would not prevent them from attending the Sunday church service, the already more disadvantaged communities would have considerable difficulty meeting the cost. The negative impact of this would be exacerbated in the present economic climate and the challenges that it presents. As the Sunday service is the engine of growth for the church which fuels its membership, the introduction of

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<sup>5</sup> Shaping a Fairer Future: A review of the recommendations of the Women and Work Commission three years on, July 2009

<sup>6</sup> Horizontal and vertical occupational segregation concerns the tendency of men and women to be employed in different occupations in the entire spectrum of occupations under analysis, and the tendency of men to be employed at higher levels with higher salaries, and women to be employed in lower paid occupations.

<sup>7</sup> Surrey Joint Strategic Needs Assessment, 14/06/2011

charges for the more disadvantaged groups could potentially inhibit church membership among those groups and could potentially curtail new membership from disadvantaged groups.

5.5 As well as churchgoers who worship on a Sunday, all of the churches rely on members who provide voluntary services, and who come into the Town Centre at 7.00am on Sunday mornings. This is to deal directly with setting up arrangements for church services, the planning and setting up of activities, and the running of crèche services and activities to keep younger members of the church congregation occupied whilst their parents attend the church meeting. These voluntary services go on in tandem with the 9.00am and 11.00am services and they are critically important for children and for families. They enable parents to have some respite from childcare and to worship. Thus, if volunteers who are giving up their time to provide services for the church community have to pay Sunday parking charges, those volunteers who are on limited incomes may choose not to, or indeed, may not be able to continue providing those services. This could also have an adverse impact on the ability of families with small children, particularly lone parents to attend the church service. The introduction of charges would also run counter to the notion of the *BIG Society*, and could result in the decline of important community focused activities that have a wider social and economic value to Woking residents.

5.6 Whilst the free Sunday parking practice provides many positive benefits to the church community, it is by no means perceived uniformly as providing positive benefits for all members of the church who are disabled and who have a range of other physical access needs. The responsibility for highways rests with Surrey County Council (SCC) and SCC has placed a three hour time restriction to on street parking for disabled blue badge holders, a decision that was taken in consultation with WBC. Thus, disabled worshippers who attend church in Woking Town Centre, on a Sunday, are restricted to a three hour stay when using on street disabled parking bays whilst non-disabled visitors to the Town Centre who pay to park in the multi-storey car parks, or worshippers who are able to have their tickets validated at one of the pay on foot exit car parks, have no such time restrictions placed on them. Furthermore, disabled worshippers who hold a Proximity Card, enabling them to park free of charge in one of the Town Centre car parks are not able to use them in every case for a number of reasons. This is because on street disabled parking which is strategically close to local facilities is far more accessible for some disabled people and accessibility is a critical factor when a disabled visitor comes into the Town Centre, particularly if they are unaccompanied. Accessibility does not however relate solely to the location of disabled on street parking, but also to the area around the on street parking disabled bays which is large enough to ensure manoeuvrability, in contrast with the area around the majority of the standard bays in the multi-story car parks. The Town Centre car parks, being multi-story can also be intimidating for some disabled users who are vulnerable, and who are concerned about lifts breaking down.<sup>8</sup> These issues are compounded by limited Sunday public transport as within the last 12 months, a number of Woking bus services have been cut, whilst other routes do not operate on a Sunday. Indeed, in the case of Woking United Reform Church, there is only one bus that passes the church on any day,

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<sup>8</sup> Surrey Joint Strategic Needs Assessment, 14/06/2011 refers to disabled people being more likely to be victims of hate crime. See also Hidden in Plain Sight – inquiry into disability-related harassment, EHRC

added to which, there is no Community Transport for Woking Residents on a Sunday. There are therefore a number of barriers that do cause difficulty for some disabled users to travel from the outer parts of Woking to the Town Centre churches to worship even within the terms of the current Sunday parking practice and it is critical that these issues are taken up with WCC by WBC.

### The cost of free Sunday parking to the Council

5.7 WBC operates a pay on foot system in the majority of its car parks. At each of the following locations, Christ Church in the Town Square, Trinity Methodist which is on Brewery Road, and the Coign Church there are validating machines so that people attending Sunday church services on Sunday mornings can run their tickets through them and exit the car park free of charge. Woking United Reform Church uses the Heathside Crescent car park and as there is no pay on foot system at that car park, 150 parking permits have been issued which Church members display on their windscreens.<sup>9</sup>

5.8 As part of the process of conducting the EqIA, the cost of the current free Sunday Parking Scheme implemented in 2008 has been examined. The total financial value per week of the current scheme is estimated at £780 per week, £40,560 per annum and £121,680 for three full years' operation. In the case of the Woking United Reform Church, it should be made clear that the cost represents the cost if all permits are used. This is broken down as follows:

Estimated Cost of Free Parking Scheme Three Full Years Operation			
Church	Parkers	Value £	Rate £1.00
Coign Church	120	300	
Christ Church	50	115	
Trinity Church	25	65	
Woking United Reform <sup>10</sup>	150	300	
<b>Total</b>	<b>345</b>	<b>780</b> per week	<b>40,560</b> per annum
<b>Total estimated cost from three years operation £121,680</b>			

<sup>9</sup> At the time of writing, the Council has a pending request for an additional 50 parking permits for Woking United Reform Church

<sup>10</sup> Charges were introduced in April 2010 in Heathside Crescent car park used by members of the United Reform Church. The church was therefore affected by the Sunday car park charging practice and 150 permits were granted for worshippers.



5.9 Prior to 2003 and the operation of the current practice, Sunday car parking charges applied in Wolsey Place, Toys R Us, Peacocks, Victoria Way and the Brewery Road car parks between 1pm and 5pm. This practice did not cause any inconvenience to local parishioners attending church services in the Town Centre. In 2003, up to the implementation of the current scheme in 2008, the timings were extended from 11.00am to 5.00pm for all of the above car parks, but at that time, excluded Brewery Road car park where the timings remained from 1.00pm to 5.00pm. The estimated cost for that period is therefore based on the Christ Church congregation having access to free parking in the Victoria Way car park as Brewery Road was accessible to all.

Weekly (Concessionary) Sunday Parking Scheme Victoria Way car park 2003 - 2008		
Christ Church	Parkers	Rate £1.00
	50	per week £50
	2,600	per annum £2,600
Total estimated costs £13,000		

5.10 The estimated cost to the Council is therefore £2,600 per annum for the financial years 2003 to 2008, totalling £13,000. The estimated cost to the Council is £65,000 for the five financial years from 2003 – 2008.

5.11 The comparative figures for the total gross income for Sunday parking and for weekly and annual parking, and for three years full operation are set out in the following table:

Estimated Parking Three Full Years Operation			
	Weekly	Annual	Three Years
Sunday Parking Income - All Car parks	7,740	402,500	1,207,500
Total Weekly Parking Income – All Car Parks	87,461	45,548,000	13,644,000

5.12 The Sunday parking charge which is capped at £3.00 for non churchgoers is concessionary in comparison with the other days of the week. The Director of the Shopping Centre has said that there has been no change in the footfall as a result of the introduction of Sunday Parking, and that parking charges are not a determinant of the numbers of people who go shopping. The figures for November 2011 show a footfall of 40,000 people on a Saturday and 26,000 people on a Sunday which is consistent with historical figures, and illustrates that pro-rata, given the shorter Sunday

shopping hours, Sunday is a mature shopping day in which trade is arguably bigger than on any other day of the week.<sup>11</sup>

### **The impact of free Sunday parking on the wider community**

5.13 The EqIA found that concerns about free parking for churchgoers, as well as being perceived as unfair by the non-church going community, are symptomatic of a wider problem. This relates to the frustration of residents about increased parking charges generally and concerns of residents working in the Town Centre during the weekdays, not specifically a Sunday, where parking charges can represent a significant proportion of individual and family incomes. The frustrations of residents also relate to the cost of participating in Town Centre activities, as well as concerns about increases in residential parking charges. Added to this are questions about the ad hoc manner in which the free Sunday parking practice for worshippers was introduced, and without full consideration of the impact on the wider community. This latter point was also raised by many of the beneficiaries of free Sunday parking who whilst applauding the scheme, do share concerns about the perceptions of other groups.

5.14 As part of the EqIA consultation, the views of other faith communities and non-faith communities were solicited. The largest faith community next to the Christian group in Woking is the Muslim community. The Muslim members of the Mosque on Portugal Road, close to the Town Centre, pay for on street parking from 12.00noon to 2.30pm on a Friday which is their day of religious observance. The Muslim members of the Mosque on Oriental Road have their own parking facilities and therefore parking charges is not an issue that directly affects them. In relation to the Portugal Road Mosque, the EqIA found that having to pay for on street parking at 80 pence per hour does have an adverse impact on those on low incomes or in low paid employment. In order to get around the parking costs, some members have to park a considerable distance from the controlled parking area around the Mosque whilst those who are less mobile are unable to do so and incur what they feel are excessive charges. As already stated, the issue of equity and fairness in respect of days of religious observance was also a recurring theme amongst the actual beneficiaries of the current practice. It was seen as quite right by the Muslim community that that the Council make concessions for the Town Centre churches, which, due to their location, have no parking attached to their premises. At the same time, it was seen as unfair in a multi-cultural society if similar concessions or relaxation of the rules were not also made for faith groups whose day of religious observance was not a Sunday. This is vividly illustrated by the fact that Christ Church, one of the churches that benefits from the free Sunday parking practice is approximately 150 yards from the Portugal Road Mosque. The Mosque however, due to its day of religious observance being on a Friday, is subject to parking charges and to parking restrictions. At the same time, Emanuel Chapel which is almost adjacent to the Portugal Road Mosque is not impacted by Sunday parking charges as currently, the charges do not apply on a Sunday in the parking bays in and around Portugal Road. The church also has its own small car park, and if there is overspill church members can park in the on street bays free of charge.

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<sup>11</sup> Figures provided by the Director of the Shopping Centre

5.15 The second largest group in Woking other than Christians is those who state that they are of no religious belief. Whilst there has been no impact on the footfall within the Town Centre, the introduction of Sunday parking charges is seen within the context of an increase in parking charges across the borough generally. Indeed, the issue of free Sunday parking for worshippers has been a practice that has been in operation since 2003 but gained attention and added impetus in the context of rising parking charges. As such, some residents have expressed their frustration at the practice of allowing Sunday worshippers to park free of charge whatever their income level, whilst other non church going residents, including those who fall within groups with other protected characteristics, cannot benefit from free parking, and are paying substantially increased charges across the board. This is seen as tantamount to being discriminated against on the grounds of having no belief or organised religious belief. Whilst the argument has been made that non-religious groups have six other days on which to visit the Town Centre to shop, the EqIA has found that this is not in fact the case. Indeed, whilst shopping in the Town Centre on a Sunday is important, the Town Centre is not seen by non-religious groups as solely offering a commercial and retail experience. As an illustration, carers balancing home, work and their caring responsibilities often find Sunday a convenient day to relax by visiting the Town Centre as other family members who work may be around to provide some respite. Moreover, lone parents balancing childcare, work, commuting, and the school run may find Sunday the best day to shop, and for disabled residents who want to visit the Town Centre, shop and have a meal with other family members or friends who may be working in the week, Sunday is often the most convenient day. Thus Sunday for non-worshippers accommodates flexible working patterns and fits with the rhythms of family life. This is seen as being as important as religious observance to building and maintaining the social as well as the economic fabric of communities. It is seen as important to community cohesion in Woking, and to supporting diverse family values and family structures. Therefore, in the same way as the church in Woking is seen as fulfilling an important community and social integration function, the discourse on parking charges it is argued, also needs to be expanded to take account of diverse lifestyles and secular activities that also enhance social integration. Along with church activities, those activities are also seen as contributing to the dynamism of the Town Centre, to its social milieu, and to its cohesion.<sup>12</sup>

## 6. Conclusion and recommendations

6.1 The EqIA has found that the current practice of allowing worshippers to park free on Sunday's was implemented as a reactive practice, and did not consider the needs of the wider community. The practice does not impact positively on all churchgoers as it has a negative impact on disabled Woking residents within the faith community who are excluded from its benefits, and on the wider community of residents, including disabled people who are also excluded from its benefits.

6.2 It is recommended that:

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<sup>12</sup> See for example, the Portas Review: An independent review into the future of our high streets, December, 2011 and Jane Jacobs, *The Death and Life of Great American Cities*, New York, Random House, February, 1993, (1961)

1. WBC addresses the current arrangements in relation to disabled people and Sunday parking as a matter of urgency by taking up the issue in relation to the on-street parking bays as a matter of urgency.
2. That WBC continue with the practice of allowing worshippers to park free if the Council is able to determine that it is a 'proportionate' means of achieving a legitimate aim' and having had proper regard to all of the issues raised in this EqIA.

Or

3. WBC rescind Sunday car parking charges for all visitors to the Town Centre between the hours of 7.00am and 1.00pm.

Or

4. WBC rescind Sunday parking charges for all visitors to Woking town centre on Sundays.

It is recommended that:

5. WBC make the EqIA available to all who took part in the consultation underpinning it and that it is also placed on the Council's website.

## **Appendix A – List of stakeholders**

Equality and Human Rights Commission

Peter Bryant, Head of Legal Services, Woking Borough Council

David Johnson, Corporate Strategy Manager, Woking Borough Council 01483 743060

Geoff McManus, Neighbourhood Services Manager, Woking Borough Council 01483 743707

Refela Zaman, Senior Policy Officer, Woking Borough Council 01483 743479

Tim Keeping, Director of Shopping Centre

Tim Pulman, Store Manager, Debenhams of Woking

Peter Large, Head of Legal and Democratic Services, Westminster Council

Malcolm Kaynes, Pastor, Coign Church

Reverend Pippa Ross-McCabe, Working People of Faith Co-ordinator

Dr Sayid Naqvi, Mosque Al-Asr, Portugal Road

Mr Haziz Shamit, Oriental Road Mosque

Moevra Syed Ahmadiyya Community

Peter Harwood, Pastor, Christ Church

Philip Goldberg, Member of Guildford Synagogue

Simon Trick, Baha'i Faith Group

Clive Wood – Woking Disabled People's Group

Rev Bob Sneddon Trinity Methodist

Revd Lucy Brierly United Reform Church

Keith Porteous Wood – Executive Director, National Secular Society

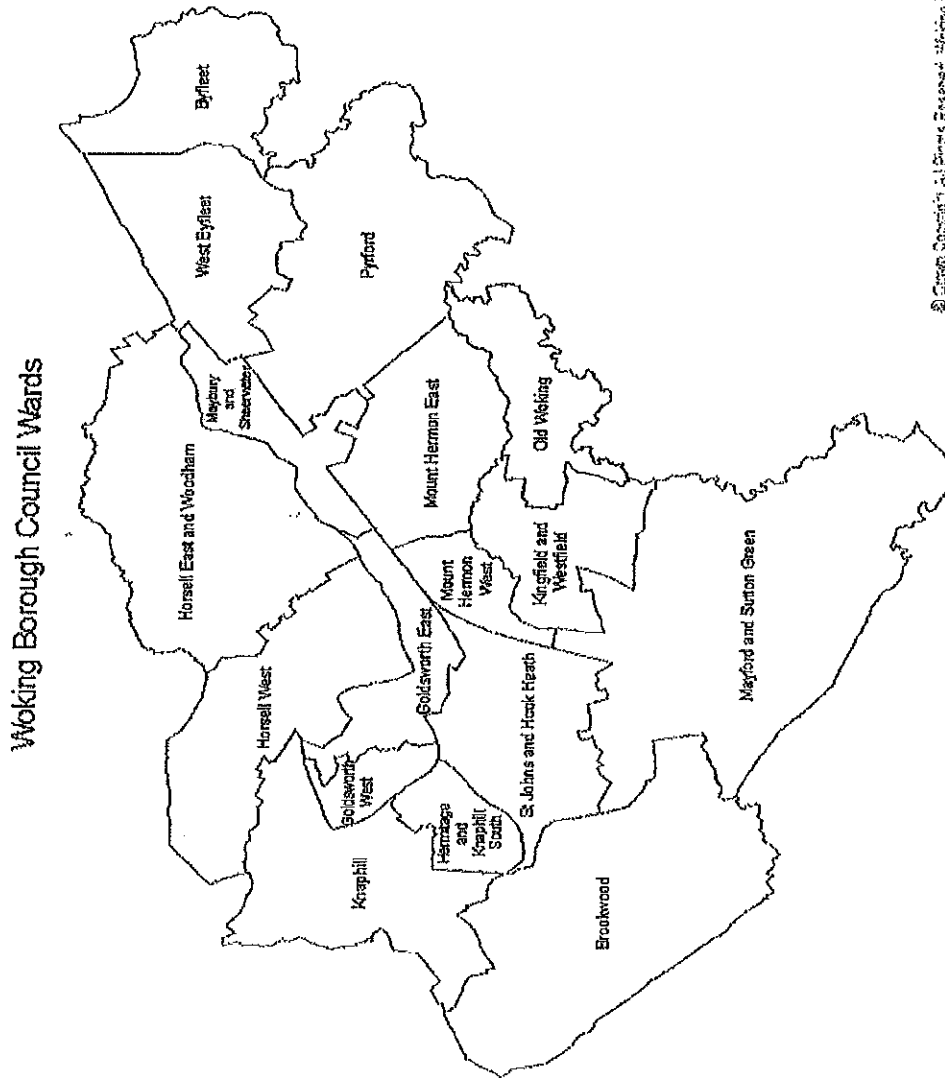
Ms Julie Kenyon – Resident

Councillor Melanie Whitehand

Councillor Liam Lyons

Clive Wood - Chief Executive Surrey Disabled People's Partnership

# Appendix B – Ward Map of Woking



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## **Appendix C – Background papers**

Minutes -06/03/03 – Executive, Sunday Parking, Woking Borough Council

Minutes of the Meeting of the Executive, 30 November 2006, Woking Borough Council  
Report-30/11/06 Fees and Charges Review, Sunday Parking, Woking Borough Council Agenda Item 9

Counsel's Advice in the matter of the Equality Act, 2010 and Worshippers' Parking Charges

Surrey Joint Strategic Needs Assessment, 14/06/2011 refers to disabled people being more likely to be victims of hate crime

Parking to stay free for church, Surrey Advertiser Friday 21 October, 2011

NSS challenges to free parking for churchgoers forces Council to act, National Secular Society Friday 21 October, 2011

Hidden in Plain Sight – inquiry into disability-related harassment, EHRC

Free parking for Woking church goers questioned, BBC News Surrey 16 October, 2011

The Portas Review: An Independent review into the future of our high streets, December, 2011

Jane Jacobs, The Death and Life of Great American Cities, New York, Random House, February, 1993, (1961)

# Appendix D – EqIA Action Plan

## Equality Impact Assessment on Woking Sunday Car Parking Action Plan

The Council needs to develop a coherent and sustainable practice in relation to Sunday parking practice, that is consulted on. The following is a summary of impact of the recommendations contained in this EqIA.

Sunday Charging Options	Positive Impact	Negative Impact	Mitigation Measures
<p>1. That WBC continue with the practice of allowing worshippers to park free if the Council is able to determine that it is a 'proportionate means of achieving a legitimate aim' and having had proper regard to all of the issues raised in this EqIA</p>	<p>The impact on the entire community would be considered in relation to all of the protected characteristics and protected groups within groups to inform a more carefully nuanced practice in relation to free parking for worshippers</p>	<p>The element of concession on a Sunday would mean that religious groups whose day of observance is not on a Sunday would be adversely affected</p> <p>The current Sunday charging practice does not encompass on street parking for disabled people. On street parking is administered by Surrey County Council, in consultation with Woking Borough Council is subject to a three hour restriction. It impacts adversely on the ability of disabled people to attend church and related church activities on a Sunday.</p>	<p>There is already an element of concession in relation to Sunday parking and that has a positive impact on Sunday visitors to Woking Town Centre</p> <p>The Council should consider the loss of income and determine whether it is proportionate</p> <p>The Council should consider other requests on a case by case basis, within the framework of a coherent and sustainable policy on parking charges</p>
<p>2. That WBC addresses the current arrangements in relation to disabled people and Sunday parking as a matter of urgency</p>	<p>The current scheme has a positive impact on some disabled users who are able to access the multi-storey car park</p>	<p>Not all disabled people in Woking can access the multi-storey car park and time restrictions on the disabled parking bays administered by SCC disadvantages disabled residents.</p>	<p>The Council should take up the issue in relation to disabled parking with SCC as part of a coherent and sustainable policy in relation to parking charges</p>



Sunday Carriage Options Positive Impact Existing Issues Mitigation

<p>3. Rescind Sunday car parking charges for all visitors to the Town Centre between the hours of 7.00am and 1.00pm</p>	<p>Positive impact on some residents attending church and residents visiting the Town Centre on a Sunday to shop and have family time</p> <p>Positive impact on residents visiting the Town Centre to engage in activities in the Town Centre, particularly, carers, people, older people and other groups on low incomes</p> <p>As well as addressing the equality issues, the Town Centre could build a marketing and promotional campaign around the rescinding of Sunday Parking charges and gain an advantage over competitor towns</p> <p>A positive impact across all income scale on some residents attending church and residents visiting the Town Centre on a Sunday to shop and have family time</p>	<p>Disadvantaged residents of the non-faith community who wish to visit the Town Centre and fall within a <i>protected group</i> do not benefit from the policy.</p> <p>The access issues in relation to the multi-storey car park, coupled with the three hour limit to on street parking means that disabled residents would not realise the intended positive benefits of this option</p> <p>The issue of accessibility for disabled users and on street parking restrictions would not be addressed.</p> <p>Does not recognise days of religious observance other than a Sunday or recognised religious beliefs that may not take place in a community with others on a Sunday</p> <p>The access issues in relation to the multi-storey car park, coupled with the three hour limit to on street parking means that disabled residents would not realise the intended positive benefits of this option</p>	<p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p> <p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p> <p>A flexible practice would need to be developed that extends to other groups and kept under review</p> <p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p>
<p>4. WBC rescind Sunday parking charges for all visitors to Woking town centre on Sundays</p>	<p>Positive impact on some residents attending church and residents visiting the Town Centre on a Sunday to shop and have family time</p> <p>Positive impact on residents visiting the Town Centre to engage in activities in the Town Centre, particularly, carers, people, older people and other groups on low incomes</p> <p>As well as addressing the equality issues, the Town Centre could build a marketing and promotional campaign around the rescinding of Sunday Parking charges and gain an advantage over competitor towns</p> <p>A positive impact across all income scale on some residents attending church and residents visiting the Town Centre on a Sunday to shop and have family time</p>	<p>Disadvantaged residents of the non-faith community who wish to visit the Town Centre and fall within a <i>protected group</i> do not benefit from the policy.</p> <p>The access issues in relation to the multi-storey car park, coupled with the three hour limit to on street parking means that disabled residents would not realise the intended positive benefits of this option</p> <p>The issue of accessibility for disabled users and on street parking restrictions would not be addressed.</p> <p>Does not recognise days of religious observance other than a Sunday or recognised religious beliefs that may not take place in a community with others on a Sunday</p> <p>The access issues in relation to the multi-storey car park, coupled with the three hour limit to on street parking means that disabled residents would not realise the intended positive benefits of this option</p>	<p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p> <p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p> <p>A flexible practice would need to be developed that extends to other groups and kept under review</p> <p>The issue of accessibility for disabled users needs to be addressed in relation to on street and multi-storey parking.</p>

**Sunday Changing Options**

**Positive Impacts**

**Negative Impacts**

**Mitigation Measures**

	<p>Practice will ensure that volunteers setting up church activities on Sunday's and crèche activities for children will not suffer financial penalties</p>	<p>Does not recognise days of religious observance other than a Sunday or recognised religious beliefs that may not take place in a community with others on a Sunday</p>	<p>A flexible practice that extends to other days of religious observance would need to be developed and kept under review.</p>
	<p>Positive impact on residents visiting the Town Centre to engage in activities in the Town Centre, particularly, carers, older people and other groups on low incomes</p>	<p>There would be a substantial loss of income to WBC as Sunday is a mature trading day</p>	
	<p>As well as addressing the equality issues, the Town Centre could build a marketing and promotional campaign around the rescinding of Sunday Parking charges and gain an advantage over competitor towns</p>		

RM1500 2497



## Leigh Day

The Chief Executive  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking Surrey  
GU21 6YL

Direct Dial: 0207 650 1243

Email: [rstein@leighday.co.uk](mailto:rstein@leighday.co.uk)

Your Ref:

Our Ref: RS SB KPW Woking

Date: 30 May 2013

### LETTER OF CLAIM

Dear Sir

**Our client: Keith Porteous Wood, 25 Red Lion Square, London WC1R 4RL**

This is a formal Letter of Claim for the purposes of the Practice Direction on Pre-Action Conduct. Please acknowledge receipt of this letter within 14 days. Please send your reasoned Letter of Response within 28 days, i.e. by 19 June 2013.

A failure to provide a Letter of Response by this deadline may lead to our client commencing proceedings against you which may increase your liability for costs. We represent Keith Porteous Wood ('KPW') in a claim of unlawful discrimination in the provision of goods and services contrary to section 29(1) read with section 13(1) or, in the alternative, section 19(1), of the Equality Act 2010 ('EqA').

#### Funding

We hereby give you notice that we have entered into a Conditional Fee Agreement with KPW in this claim, which allows for a success fee and is retrospective.

#### Background to the claim

You are and were at all material times the owner and/or operator of a number of public car parks in Woking, Surrey, including a car park known as Heathside Crescent Car Park, situated at Heathside Crescent, Woking, Surrey, GU22 7AG and car parks at Victoria Way and Brewery Road, Woking (respectively, "Heathside Crescent", "Victoria Way" and "Brewery Road").

#### **Leigh Day**

Privity House, 25 St John's Lane, London EC1M 4LB  
DX 53326 Clerkenwell

T 020 7650 1200

F 020 7253 4433

E [postbox@leighday.co.uk](mailto:postbox@leighday.co.uk)

W [www.leighday.co.uk](http://www.leighday.co.uk)

All of partners can be inspected at our registered office or website.

Leigh Day is a partnership authorised and regulated by the Solicitors Regulation Authority (SRA). The firm's SRA number is 00067679.  
Service of documents by email will not be accepted.

# Leigh Day

In providing car parking facilities as set out above you are and were at all material times a provider of services to the public within the meaning of section 29(1) of the EqA.

KPW is not of the Christian religion or any religion and does not hold Christian beliefs or any religious beliefs. His lack of such religion or belief constitutes a protected characteristic or protected characteristics for the purposes of sections 4, 10, 13 and 19 of the EqA.

In 2003, you introduced charges for users parking in some of your town centre car parks on Sunday mornings. The charges were extended to other town centre car parks, including Heathside Crescent, in 2010.

Following the introduction of Sunday morning parking charges in your town centre car parks, you received complaints from members of churches located in Woking town centre which did not have car parking attached to their premises, namely Woking United Reform Church ("WURC") and Christ Church, Colgn Church and Trinity Methodist Church ("the Other Churches").

WURC and the Other Churches hold services of Christian worship every, or, in the alternative, almost every, Sunday morning, throughout the year.

Following the introduction of Sunday car parking charges, you agreed with members of WURC and the Other Churches that users of town centre car parks, including Heathside Crescent, would not have to pay for parking on Sunday mornings if they were visiting WURC or one of the Other Churches to attend, or in connection with, a service of Christian worship. This arrangement was adopted as your formal policy in May 2012.

To this end, you subsequently provided WURC with parking permits to give to its churchgoing members. A car park user who displays one of the said permits inside his car's windscreen is granted free parking at Heathside Crescent on a Sunday mornings between 9:30am and 1:00pm.

You provided each of the Other Churches with a ticket validating machine. A car park user who uses one of these validating machines is granted free parking at Victoria Way and/or Brewery Road on a Sunday mornings. These validating machines are only made available for the use of those who attend the relevant Church for the purpose of, or in connection with, a service of Christian worship.

# Leigh Day

As a result of the unlawful discrimination, our client suffered loss.

## Remedy

Our client seeks the following by way of remedy:

- (1) An apology and open admission that you have unlawfully discriminated against him because of religion or belief, contrary to EqA.
- (2) An open undertaking that you will revoke your policy of providing free car parking to faith groups on their main days of worship or parts of those days (or will extend free car parking to all car park users on those days or part days) and will not seek to re-introduce the same, or any similar, policy at any time in the future.
- (3) Damages.
- (4) Interest.

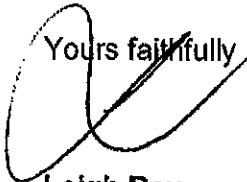
## Practice Direction

We refer you to the Practice Direction on Pre-Action Conduct and in particular paragraph 4.1 of that Practice Direction, which states that the CPR enable the court to take into account the extent of parties' compliance with the Practice Direction when making orders about who should pay costs.

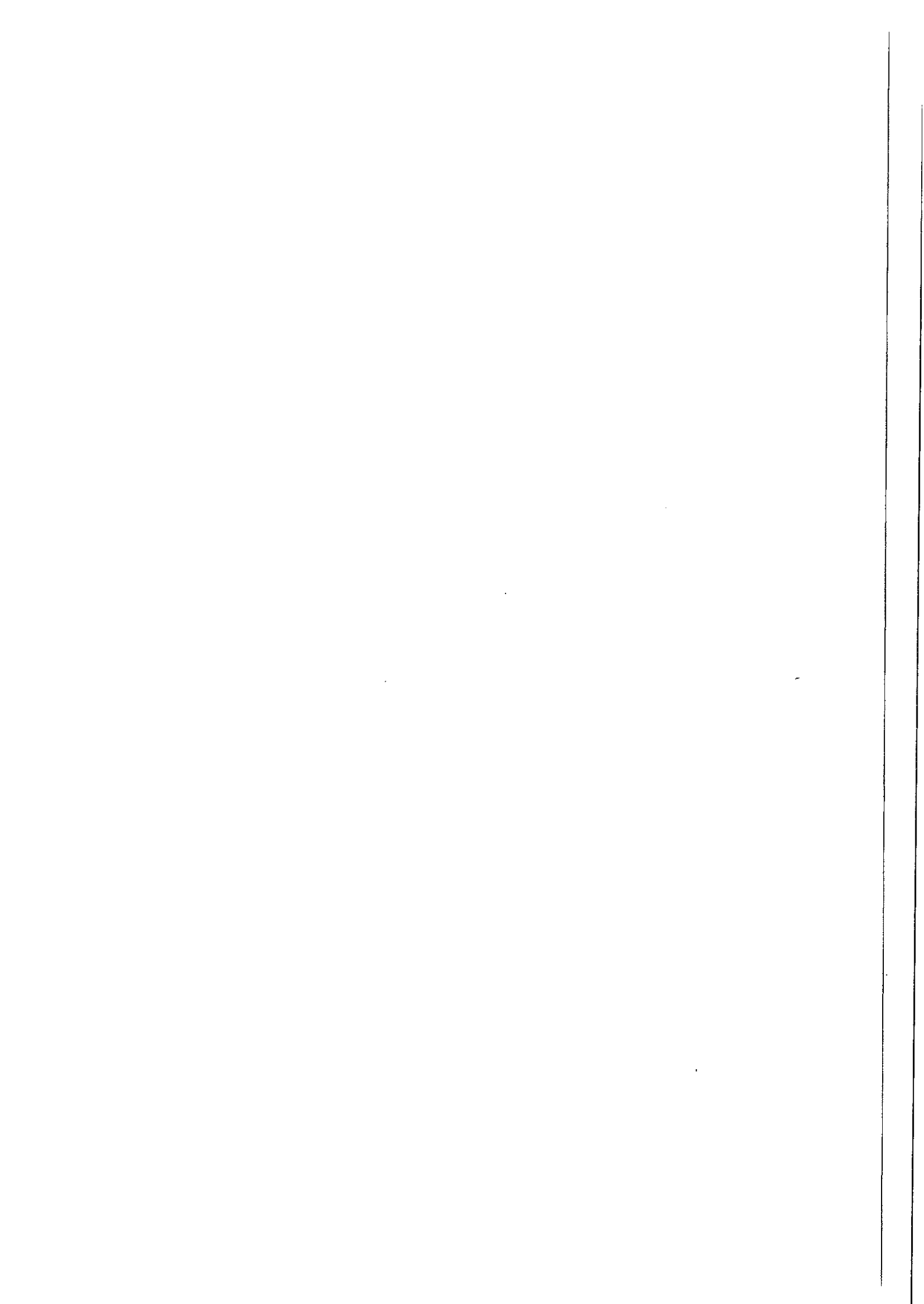
## Conclusion

We invite you to concede liability and provide our client with the remedies that he seeks.

Yours faithfully



Leigh Day





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Your ref: RS SB KPW Woking  
Our re: PB/000658

25 June 2013

Dear Sirs,

**Your Client: Keith Porteous Wood; 25 Red Lion Square, London WC1R 4RL**

Thank you for your letter of 30 May 2013, receipt of which was acknowledged by us by letter of 5 June 2013. We confirm that this is the Council's reasoned Letter of Response for the purposes of the Practice Direction on Pre-Action Conduct, provided to you within 28 days of receiving the Letter of Claim.

We understand that you represent Mr Keith Porteous Wood in a potential claim under section 29(1) read together with section 13(1) or, in the alternative, section 19(1) of the Equality Act 2010. We confirm that – for the reasons set out below – any such claim will be resisted by the Council.

#### *The Background*

We note what you have said in terms of Mr Wood's visit to Woking on Sunday 14 April 2013 and the car parking charge he paid when parking in Heathside Crescent that morning. We have no proportionate means of independently verifying these facts but do not seek to dispute what you have said in this regard.

It is acknowledged that the Council is the owner and/or operator of a number of public car parks in Woking, including the car park at Heathside Crescent. It is also accepted that the provision of car parking facilities in this way can amount to the provision of services to the public within the meaning of section 29(1) of the Equality Act 2010. It is further right to say that in or about 2003, the Council introduced charges for some of the town centre car parks on Sunday mornings. Charges had already applied at these car parks on other days and times during the week. It is accepted that by 2009, the Sunday morning car park charge had been extended to Heathside Crescent.

It is part of the relevant background that the introduction of car park charges on Sunday mornings led to various concerns being raised with the Council by certain churches located in the centre of Woking, which did not (due to age of building and location) have their own parking facilities for those attending Sunday morning services or other events. By introducing car parking charges coinciding

Ray Morgan OBE Chief Executive  
Douglas J. Spinks Deputy Chief Executive  
Mark Rolt Strategic Director  
Steve Bonsor Strategic Director  
Sue Barham Strategic Director



2005-2006  
Sustainable Energy  
2007-2008  
Promoting Sustainable  
Communities Through  
the Planning Process  
2008-2009  
Tackling Climate Change



INVESTOR IN PEOPLE

with the main day of worship for Christians attending the churches in question, the Council could be said to have put members of that part of the community at a particular disadvantage (attendance at the churches on the Christian Sabbath being seen as a central tenet of their religion). To avoid that consequence, it is acknowledged that the Council acceded to the request that concessionary parking arrangements should be put in place for those attending the churches concerned on Sunday mornings.

When initially introducing this policy, the Council was not aware of any other group that had suffered a similar disadvantage and its response seemed to be proportionate, acknowledging and mitigating the particular impact that the introduction of parking charges on a Sunday morning had had on a specific group within the community. The Council, however, subsequently reviewed this policy after having commissioned independent consultants to carry out an equality impact assessment – a copy of which is available on our web-site but is also attached for ease of reference.

Having considered the content of the equality impact assessment, the Council reviewed the whole policy of concessionary parking and agreed a revised policy, in keeping with the Policy Statement adopted on 12 July 2012, a copy of which is also attached for convenience.

As the Policy Statement expressly reflects, the Council's view was that there are particular benefits to Woking from the social inclusion and participation that the faith communities encourage. Recognising that, for many, cultural identity and participation in the community will be related to places of worship and the faith communities that they serve, the Council considered that it was legitimate to support those various communities, to the extent that it was reasonable and proportionate to do so. The evidence from the equality impact assessment reflected the experience of many Woking Councillors, to the effect that many of those otherwise disadvantaged members of the Woking community gain real benefits from their membership of particular faith communities and from attendance at their respective principal days of worship. The Council recognised that this experience is not confined to the Christian community but is also the experience of other faith groupings that might have different days of worship. The Council also recognised that faith and culture are often interrelated for many members of the community and centres of worship can (and do) play a far broader role in society. In particular, the Council acknowledged the considerable voluntary work organised by faith communities in Woking.

Having identified these positive benefits, the Council considered that it was reasonable and proportionate to maintain the Sunday morning concessionary policy for off-street parking and to extend this policy to benefit other faith communities with different primary days of worship, where similar difficulties would arise for those seeking to attend the principal place of worship within the town centre.

As a matter of practice, and in pursuit of the same aim of supporting social inclusion and participation, particularly when allied to organisations that carry out considerable voluntary work in the Woking area, the Council has extended parking concessions to other organisations, namely Woking Association of Voluntary Services, Woking Citizens Advice Bureau, Relate, Surrey Disabled Peoples Partnership and, more generally, any organisation with accredited community status when booking the HG Wells Conference Centre (which is owned and operated by Woking Borough Council).

The Council has, further, expressly agreed that the policy on free car parking should be reviewed at any stage that there was a material change in circumstances and, in any event, after five years. In the interim, however, the Council would be prepared to consider extending concessionary parking for those participating in organisational activities with similar social benefits as those identified above.

#### *The Proposed Claim*

We understand that it is suggested that Mr Wood might have claims for direct or indirect discrimination as to the terms on which the Council provided car parking services to him on the morning of Sunday 14 April 2013.



We do not accept that Mr Wood has been the subject of less favourable treatment because of religion or belief. As stated above, the Council's policy on free parking extends to various faith communities on the relevant principal day of worship in each case and, in practice, extends concessionary parking more generally to those organisations that can be seen to similarly promote social inclusion and participation, particularly when allied to the carrying out of voluntary work in the community. The policy is designed to encourage the social gathering of members of the community in a way that the Council – having reviewed the equality impact assessment – considers to be beneficial (as outlined above). In respect of its policy relating to faith communities, the Council is aware that those participating in the services in question will include those who are not necessarily religious but who attend out of a sense of broader cultural affiliation. Free parking is not extended *because of* religious belief but because those attending are participating in broader communities centred around particular places of worship, which the Council considers (based on the evidence it has received) give rise to a number of social benefits. This is further demonstrated by the Council's wider practice in relation to concessionary parking for various other community groups.

We accept that the more narrowly defined policy relating to faith communities *may* give rise to questions of indirect discrimination, although Mr Wood is put to proof that this is indeed the case in this instance, particularly when the Council's broader practice plainly extends the benefit more widely. In any event, however, the Council considers that the policy is a proportionate means of achieving the legitimate aims it identified when adopting its revised policy last year (as described above).

In the circumstances, we do not accept that Mr Wood is entitled to the remedies you have described.

#### *Alternative Dispute Resolution*

Notwithstanding the Council's position as set out above, in keeping with the spirit of the Practice Direction on Pre-Action Conduct, we have sought to consider whether it might be possible to resolve the apparent dispute that Mr Wood has with Woking Borough Council in an alternative way. On the assumption that Mr Wood's concern is other than simply the cost of the £3 parking charge for his individual visit to Woking on 14 April 2013, the Council is happy to enter into a dialogue with your client as part of its on-going commitment to keep its free parking policy under review. Should it be the case, for example, that there are regular meetings taking place on specific days each week in the Woking area of other organisations (faith based or otherwise) that give rise to the same social benefits as identified above, the Council would be happy to consider whether it would be appropriate to extend the policy further.

In making this proposal, we note and refer you to the express aims of the Practice Direction and the possible costs consequences of an unreasonable refusal to consider ADR under paragraph 4.4(3).

Yours faithfully,

  
Peter Bryant  
Head of Democratic and Legal Services

For further information please contact Peter Bryant on 01483 743030 (Direct Line) or  
Email [Peter.Bryant@woking.gov.uk](mailto:Peter.Bryant@woking.gov.uk)  
53F84750

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups, each of which has its own strengths and limitations.

3. The third part of the document describes the process of identifying and measuring the variables of interest. This involves a careful selection of indicators that are both relevant and reliable.

4. The fourth part of the document discusses the challenges of conducting research in a complex and dynamic environment. These challenges include limited resources, changing priorities, and the need for flexibility.

5. The fifth part of the document concludes with a summary of the key findings and a discussion of the implications for future research. It emphasizes the need for continued collaboration and innovation in the field.

6. The sixth part of the document provides a detailed description of the data collection process. This includes information on the sample size, the response rate, and the methods used to ensure the quality of the data.

7. The seventh part of the document discusses the results of the data analysis. This includes a description of the statistical tests used and the interpretation of the findings.

8. The eighth part of the document describes the process of identifying and measuring the variables of interest. This involves a careful selection of indicators that are both relevant and reliable.

9. The ninth part of the document discusses the challenges of conducting research in a complex and dynamic environment. These challenges include limited resources, changing priorities, and the need for flexibility.

10. The tenth part of the document concludes with a summary of the key findings and a discussion of the implications for future research. It emphasizes the need for continued collaboration and innovation in the field.

11. The eleventh part of the document provides a detailed description of the data collection process. This includes information on the sample size, the response rate, and the methods used to ensure the quality of the data.

12. The twelfth part of the document discusses the results of the data analysis. This includes a description of the statistical tests used and the interpretation of the findings.

13. The thirteenth part of the document describes the process of identifying and measuring the variables of interest. This involves a careful selection of indicators that are both relevant and reliable.

14. The fourteenth part of the document discusses the challenges of conducting research in a complex and dynamic environment. These challenges include limited resources, changing priorities, and the need for flexibility.

15. The fifteenth part of the document concludes with a summary of the key findings and a discussion of the implications for future research. It emphasizes the need for continued collaboration and innovation in the field.

Woking Borough Council

Parking Charges for Members of the Faith Community and Community Groups

Policy Statement

1. Places of worship, and the faith communities that they serve, play an important role, both in society in general and Woking in particular. They encourage people to participate in society, thereby promoting social inclusion. In addition, considerable voluntary work is organised by faith communities, often for the benefit of the more disadvantaged members of our society.
2. The Council will, where it is reasonable and proportionate to do so, support the faith communities in the borough of Woking.
3. In furtherance of this aim (a "legitimate aim" under the Equality Act 2010), the Council will allow members of a faith community to park free of charge, in the Council's off-street car parks, in order to attend a place of worship for the purpose of, or in connection with, worship on that faith community's primary day of worship.
4. The Council recognises that non-faith based community groups can (i) similarly encourage people to participate in society, thereby promoting social inclusion, and (ii) undertake considerable voluntary work, often for the benefit of more disadvantaged members of our society.
- 3.5. The Council will, where it is reasonable and proportionate to do so, support non-faith based community groups in the borough of Woking. Such support will include the provision of free car parking in the Council's off-street car parks in appropriate circumstances.
- 4.6. This Policy Statement was adopted by the Council on 12<sup>th</sup> July 2013<sup>2</sup>. It will be reviewed on 12 July 2017, or sooner if there is a material change in circumstances.