

ACTION TAKEN ON PETITIONS

Council Members are asked to note the action taken in relation to the under-mentioned petitions which were presented to Council:-

(i) Petition (Southwick P.A.C.T) from residents of Southwick Central Area, regarding traffic issues along Faber Road. Presented by Councillor Copeland on 14th June 2010

The Executive Director of City Services received the petition in relation to this matter on 16th June 2010. Subsequently a review of the planning background and highways issues involved in the redevelopment in the area has been carried out.

The principles of redevelopment were agreed in the Southwick Masterplan, which was approved at Cabinet on the 18th January 2006. This established the planning policy and the form of main road layout, and subsequent planning permissions have been granted for phases of the redevelopment. Works to complete the Faber Road improvements are being carried out by Gentoo Construction, and include traffic signals, pedestrian refuges, mini roundabouts and parking bays.

Officers have attended the local residents meetings (“Police and Community Together” programme or “P.A.C.T.”) where traffic issues have been a regular point of discussion.

The Executive Director of City Services, in consultation with local ward members and the portfolio holder for Attractive and Inclusive City has considered the findings and recommendations of the review report. It has been concluded that the Faber Road improvements will continue to be implemented as originally intended, and the performance of the route will be monitored and reviewed as part of the ongoing road safety strategy of the area. An additional issue raised by residents regarding misuse of the new children’s play park at Beaumont Street will also be monitored.

Councillors Norma Wright, Christine Shattock, Rosalind Copeland and the Lead Petitioner have been notified.

(ii) Petition requesting the installation of traffic calming measures around the Barnes Junior and Infant Schools. Presented by Councillor Allan on 27th January 2010

The Executive Director of City Services considered the petition and determined that the petitioners' request should be acceded to. A scheme will be implemented in the current financial year to install the traffic calming measures.

Councillor Allan and the lead petitioner have been have been notified of the Executive Director's decision.

(iii) Petition requesting the withdrawal of relief on business rates granted to the Scientologists based in Fawcett Street because they were not registered with the Charity Commission, therefore should not be treated as a charity, nor are the Scientologists premises registered as a place of worship. The petitioners stated that businesses were struggling to survive and had to pay their rates and most businesses could not afford to operate from such a prime location. They believed this decision was unfair and unacceptable and Sunderland City Council should revoke the decision immediately. Presented by Councillor Morrissey on 24th November 2010

The Executive Director of Commercial and Corporate Services considered the petition and responded to the points made in the petition as follows:

- **The Scientologists are not a registered charity, therefore should not be treated as a charity.**

The Church of Scientology Religious Education College Inc. ('CoS') was granted mandatory and discretionary relief from national non-domestic rates ('business rates'), on its property in Fawcett Street, Sunderland. This decision was based upon a judgement as to whether the organisation is established for 'charitable purposes' and not on its status as a registered charity.

During the last four years, officers have considered the application, at length and in depth. Due regard was given to the decision of the Charity Commission to refuse the application of another organisation, the Church of Scientology (England and Wales), for registration as a charity. However, it is important to note, that for the purposes of business rates relief, the ratepayer does not need to be registered with the Charity Commission in order to be eligible for mandatory and/or discretionary rating relief. The ratepayer does, however, have to demonstrate that it is an organisation established for 'charitable purposes' i.e. purposes

beneficial to the community. On this point, the Council reviewed the Charity Commission's published guidance to examine the scope of the descriptions of 'charitable purposes' contained within the Charities Act 2006.

Officers carried out enquiries with other Local Authorities, some of whom also grant relief to this organisation, and considered the information submitted by the applicant, legislation, case law, legal advice and also carried out a visit to the property in question. CoS provided the Council with persuasive evidence to demonstrate its assertion that it is an organisation established for charitable purposes and that its use of the premises in Fawcett Street benefited sections of the public in Sunderland. As a consequence of having considered guidance, advice and information, it was concluded on balance that the local organisation should benefit from the relief granted.

The Director has confirmed that any application made for business rates relief would be treated in the same manner and the decision would be reached on the basis of the information available to the Council.

- **The Scientologists premises are not registered as a place of worship.**

Following the receipt of legal advice in the initial stages of the decision making process, the Council did not class Scientology as a religion for the purposes of its application nor did it treat the premises as a place of worship, registered or otherwise.

- **Most businesses cannot afford to operate from such a prime location.**

A number of Charity Shops in Sunderland receive mandatory relief (80%) from national non-domestic rates ('business rates'). These are located throughout the City Centre including Fawcett Street, Blandford Street, High Street and Holmeside.

Small Business Rate Relief is also granted to businesses with a Rateable Value of less than £18,000, which is a measure that was introduced by the former Government and implemented by the present Coalition Government. There are a number of properties that receive Small Business Rate Relief throughout the city centre, including some in Fawcett Street.

The Council seeks to assist small businesses wherever possible.

- **The decision is unfair and unacceptable.**

The Council endeavours to treat all organisations fairly and equitably within the parameters set out in regulations approved by Government. The Council can only make decisions based on the regulations. It is clear that clarification is required from government on the current regulations and legislative change may be required to prevent non-registered charities from benefiting from the relief, if this is its intended policy.

Councillor Morrissey and the Lead Petitioner have been notified.