

Committee Name and Date of Committee Meeting

Cabinet – 16 September 2024

Report Title

Scrutiny Review Recommendations – Referral from Council to Overview and Scrutiny Management Board (OSMB) - Petition "Rotherham's Commitment to a Permanent Ceasefire and To Promote Peace in Palestine and in the Region"

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

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Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The purpose of this report is to outline the recommendations of the Overview and Scrutiny Management Board. The recommendations have arisen from discussions with representatives of the petitioners which took place during April 2024, following the referral of a petition to Council on 28th February 2024 "Rotherham's Commitment to a Permanent Ceasefire and To Promote Peace in Palestine and in the Region".

Recommendations upon which Cabinet can act have been suggested below.

It is usual for Cabinet to receive such reports for consideration before providing a response however following a specific request from Scrutiny and in light of additional, unavoidable delays owing to the pre-election periods, Cabinet has agreed to expedite the response.

Recommendations

- 1) That Cabinet consider the following recommendations from OSMB, against the petition items below:

- 1. Publicly condemn the Israeli Government's human rights violations.**
- 2. Demand the UK Government call for a permanent ceasefire in Gaza.**

Recommendation 1):

- i. That the Council is invited to issue a press release explaining the resolution agreed in the debate held on 28 February 2024:

"That this Council publicly condemns the Israeli Government's human rights violations and demands that the UK Government call for a permanent ceasefire in Gaza".

- 3. Withdraw any associations with the Israeli Government.**

Recommendation 2):

- i. In the interests of transparency, the Council publishes details of whether the Council has formal associations with the Israeli government.
- ii. Requests that the Council reviews its contractual relations to establish if it has links with any of the companies named in the UN Human Rights Council's list as part of the Council's visible supply chain.
- iii. Notes the restrictions placed on local authorities in respect of the factors which they may take into account when procuring goods or services under Section 17 of the 1988 Local Government Act.

- 4. Prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people.**

Recommendation 3):

- i. The Council cannot implement this recommendation as it is stated in the petition as international relations fall to central rather than local government.
- ii. Notes that the Council no longer has active twinning arrangements, and it is not recommended that these recommence.
- iii. The Council notes that the strength of Rotherham's local communities in supporting communities in need around the world. This includes promoting values such as human rights and equality which the Council supports.

5. Engage in dialogue with residents to develop a strategy for ethical local policies, specifically not to support countries with illegal occupations or companies benefitting from such activities.

Recommendation 4):

- i. That the Cabinet reiterates its commitment to its Ethical Procurement Policy and notes that the Council will always procure services in line with this Policy.
- ii. That the Council publishes an overview of its investments on its website.
- iii. That the Council requests that SY Pension Authority publishes its investments on its website.
- iv. Notes that the discretion of the Council to make ethical procurement decisions in respect of not supporting countries with illegal occupations or companies benefitting from such activities was removed under s.17 of the Local Government Act, 1988.
- v. To enable councils to reflect on the concerns of communities that they are elected to represent, that the Leader writes to the relevant Minister to a) request the repeal of those sections of the Local Government Act 1988 which prohibit councils from taking 'non-commercial considerations' into account when awarding contracts and b) in opposition to the Economic Activity of Public Bodies (Overseas Matters) Bill currently before Parliament.

6. Consider flag displays that better align with Rotherham communities' values, promote inclusivity and display the Palestinian flag.

Recommendation 5):

- i. That the Council is requested to give approval to the display of the Palestinian flag as a gesture of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace. This should coincide with the United Nation's International Day of Solidarity with the Palestinian People (29 November 2024).
- ii. That the community considers organising a visible gesture of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace. For example, this could include inter-faith, sporting or cultural events.
- iii. That elected members are reminded that under the existing Flag Protocol, a motion to support a cause or campaign, which by implication will include the flying of a flag, can be submitted to Council for decision.

7. Honour its commitment to being an Anti-Racist Town.

Recommendation 6):

- i. That the Overview and Scrutiny Management Board scrutinises how future Council Equalities Action Plans align with any relevant resolution outlined in the Anti-Racist Town motion, making recommendations for improvement as necessary.

8. Recognise that criticism of the Israeli Government does not equate to criticism of Judaism as noted by the IHRA definition of anti-Semitism.

Recommendation 7):

- i. That no further action is taken in respect of adopting an alternative definition of anti-Semitism.
 - ii. That the Council notes that it is able to consider motions that provide equivalent definitions which seek to ensure clarity in respect of the other faiths should it resolve to do so.
- 2) That the Leader writes to local MPs informing them of the agreed recommendations and any proposed actions resulting from these.
 - 3) That the decision of Cabinet is reported back to OSMB within two months of its submission.
 - 4) That the Cabinet Spokesperson continues to hold dialogue with Petitioners to continue to seek peace in Palestine and the Region.
 - 5) That Cabinet consider expediting the governance processes and provide updates to OSMB on progress against the recommendations.

List of Appendices Included

Appendix 1 Details of the Petition submitted.

Appendix 2 Letter from the Chair of the OSMB Sub-Group to the Leader of the Council dated 1 May 2024

Background Papers

[Meeting of Council, Wednesday 28 February 2024 \(Item 97.\) Agenda item - PETITIONS - Rotherham Council](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council – 28 February 2024

Overview and Scrutiny Management Board – 24 July 2024

Council Approval Required

No

Exempt from the Press and Public
No

Scrutiny Review Recommendations – Referral from Council to Overview and Scrutiny Management Board (OSMB) - Petition "Rotherham's Commitment to a Permanent Ceasefire and To Promote Peace in Palestine and in the Region"

1. Background

1.1 A Petition was presented to Council on 28 February 2024, calling on the Council to commit to a permanent ceasefire and promote peace in Palestine and in the region. As it contained 4031 valid signatures, it triggered a debate on the salient issues raised by the petitioners and was subsequently referred to Overview and Scrutiny Management Board (OSMB) for consideration ahead of the Council Elections taking place on 2nd May 2024.

1.2 The petitioners sought the following resolution:

1. We the undersigned petition the Council to: Publicly condemn the Israeli Government's human rights violations.
2. Demand the UK Government call for a permanent ceasefire in Gaza.
3. Withdraw any associations with the Israeli Government.
4. Prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people.
5. Engage in dialogue with residents to develop a strategy for ethical local policies, specifically not to support countries with illegal occupations or companies benefitting from such activities.
6. Consider flag displays that better align with Rotherham communities' values, promote inclusivity and display the Palestinian flag.
7. Honour its commitment to being an Anti-Racist Town.
8. Recognise that criticism of the Israeli Government does not equate to criticism of Judaism as noted by the IHRA definition of anti-Semitism.

1.3 A sub-group was set-up to discuss the points raised with representatives of the petitioners. It met with representatives on 4 April 2024, with a follow-up meeting organised on 30 April 2024 to feedback its recommendations.

1.4 The following attended the sub-group meeting:

In attendance: Councillor Maggi Clark (Chair); Councillor Joanna Baker-Rogers; Councillor Wendy Cooksey; and Councillor Taiba Yasseen.

Petitioners: There were four petitioners present.

Officers: Phil Horsfield (Borough Solicitor); Emma Hill (Head of Democratic Services) and Caroline Webb (Senior Governance Advisor)

1.5 Prior to her term of office concluding, (former) Councillor Clark wrote to the Leader of the Council with the sub-group's recommendations. The letter is attached as Appendix 2.

1.6 The sub-group committed to expedite its recommendations at the earliest opportunity. However, because of entering the pre-election period in late May,

the report's submission was deferred from its scheduled presentation to OSMB on 5 June 2024 until 24 July 2024.

2. Key Issues

- 2.1 The petition contained 4031 valid signatures calling on the Council to commit to a permanent ceasefire and promote peace in Palestine and in the region.
- 2.2 Following the debate, at its meeting on 28 February 2024, the Council resolved:
 - (1) That the petition be received, and the contents noted.
 - (2) That the principles set out in the petition publicly condemning the human rights violations being conducted and the calling on the U.K. Government for a permanent ceasefire be adopted.
 - (3) That the petition be referred to the Overview and Scrutiny Management Board to look further at what actions could be considered within two months.
- 2.3 It was agreed by the then Chair of Overview and Scrutiny Management Board, Councillor Maggi Clark, that a sub-group of OSMB members was set up to progress action 3 at paragraph 2.2 above. All members of OSMB were invited to be part of the sub-group.
- 2.4 On April 4, 2024, four OSMB members as the sub-group met with the lead petitioner and three other representatives.
- 2.5 The meeting sought to understand the objectives and the points raised in the petition so as to inform any subsequent recommendations made by the sub-group. Notes were taken from the meeting and circulated to those present. Additional information was also submitted by petitioners for consideration.
- 2.6 The sub-group reconvened on April 23, 2024, to consider its recommendations. Each of the petition points and corresponding recommendations are outlined the recommendations section of the report.
- 2.7 These recommendations have been informed by advice from officers and in compliance with relevant policy and/or local government legislation.

3. Options considered and recommended proposal

- 3.1 As a part of the process Cabinet received a formal request from OSMB to expedite the consideration of these matters. The usual process is that recommendations are formally presented to Cabinet and then there is a period within which Cabinet consider the recommendations before a response from Cabinet is considered. Recognising the unique circumstances surrounding this petition and that, in particular, delay has been introduced owing to the pre-election period for both the Local and General Elections work has been undertaken with Officers to take the recommendations and act promptly. As a consequence this report sets out the proposed response

from Cabinet to the recommendations together with the formal receipt of those recommendations.

3.2 The proposed response is set out below.

(a) Publicly condemn the Israeli Government's human rights violations

Cabinet notes that the resolution of the Council on 28th February in response to the Petition included "...publicly condemning the human rights violations being conducted". This includes human rights violations by the Israeli Government. As a consequence Cabinet is clear that the Council condemns human rights violations.

(b) Demand the UK Government call for a permanent ceasefire in Gaza.

Cabinet also notes that on the 28th February the Council called on the UK Government for a permanent ceasefire to be adopted. This remains the position of the Council and Cabinet is again clear that the position of the UK Government should be (as it presently is) that there should be a permanent ceasefire in Gaza.

(c) That the Council issue a press release explaining the resolution agreed in the debate held on 28 February 2024.

A press release will be published explaining both the resolution agreed by Council on the 28th February and additionally the outcome of the considerations of OSMB following this meeting.

(d) In the interests of transparency, that the Council publishes details of whether the Council has formal associations with the Israeli government.

Officers will consider this and write to the lead petitioner with the outcome of this work.

(e) That the Council reviews its contractual relationships to establish if it has links with with any of the companies named in the UN Human Rights Council's list as part of the Council's visible supply chain.

Officers will consider this and write to the lead petitioner with the outcome of that work.

(f) Notes the restrictions placed on local authorities in respect of the factors which they may take into account when procuring goods or services under Section 17 of the 1988 Local Government Act.

Cabinet notes that the provisions of the Section above and this this curtails the factors that the Council is lawfully entitled to consider when making decisions on the procurement of drugs and services.

- (g) With respect to the request within the petition to prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people, the OSMB response noted that the Council cannot implement this recommendations as it is stated in the petition, as international relations fall to central rather than local government.

Cabinet notes the OSMB response to this request.

- (h) Notes that the Council no longer has active twinning arrangements, and it is not recommended that these recommence.

Cabinet notes the recommendation.

- (i) Notes the strength of Rotherham's local communities in supporting communities in need around the world. This includes promoting values such as human rights and equality which the Council supports.

Cabinet notes the recommendation.

- (j) Reiterates its commitment to its Ethical Procurement Policy and notes that the Council will always procure services in line with this Policy.

Cabinet is pleased that the commitment to Ethical Procurement through its Policy is noted and that it guides our Services in procuring Services.

- (k) Publishes an overview of its investments on its website.

Cabinet supports this recommendations and Officers will be asked to provide this information on the Council's website.

- (l) Requests that South Yorkshire Pension Authority publishes its investments on its website.

Cabinet will ask South Yorkshire Pension Authority to publish details of its investments on its websites.

- (m) Notes that the discretion of the Council to make ethical procurement decisions in respect of not supporting countries with illegal occupations or companies benefitting from such activities was removed under s.17 of the Local Government Act, 1988.

Cabinet notes the recommendation.

- (n) To enable councils to reflect on the concerns of communities that they are elected to represent, that the Leader writes to the relevant Minister to a) request the repeal of those sections of the Local Government Act 1988 which prohibit councils from taking 'non-commercial considerations' into account when awarding contracts and b) in opposition to the Economic Activity of Public Bodies (Overseas Matters) Bill currently before Parliament.

Cabinet agrees to this recommendation and the Leader will write to the relevant Minister to make this point.

- (o) Approve to the display of the Palestinian flag as a gesture of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace on the United Nation's International Day of Solidarity with the Palestinian People (29 November 2024).

Cabinet agrees to this recommendation and approves the flying of the Palestinian Flag on 29th November.

- (p) Notes the efforts of the community in organising visible gestures of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace.

Cabinet notes the recommendation.

- (q) That elected members are reminded that under the existing Flag Protocol, a motion to support a cause or campaign, which can include the flying of a flag, can be submitted to Council for decision.

Cabinet notes this recommendation and will ask that this information is included in the next bulletin that is produced for all Councillors.

- 3.3 That the Leader writes to local MPs informing them of the agreed recommendations and any proposed actions resulting from these.

Cabinet agrees to this recommendation and the Leader will write to MPs to inform them of the recommendations and the outcome of this Cabinet meeting.

- 3.4 That the decision of Cabinet is reported back to OSMB within two months of its submission.

The report and response are being considered at today's meeting.

- 3.5 That the Cabinet Spokesperson continues to hold dialogue with Petitioners to continue to seek peace in Palestine and the Region.

The Council will continue to engage in dialogue with the petitioners where appropriate and where this can practically and constructively contribute towards the objective of peace in Palestine and the wider Middle East Region.

- 3.6 That Cabinet consider expediting the governance processes and provide updates to OSMB on progress against the recommendations.

The report and response are being considered at today's meeting. Cabinet will write to OSMB following the meeting, with an update on the actions listed above.

4. Consultation on proposal

- 4.1 Members have regard to the expressed views of their constituents in their formulation of scrutiny priorities and lines of enquiry. Prior to forming recommendations, Members consulted with officers of the Council and representatives from the Petitioners.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The accountability for implementing recommendations arising from this report will sit with Cabinet and relevant officers
- 5.2 The Overview and Scrutiny Procedure Rules require Cabinet to consider and respond to recommendations from Overview and Scrutiny Management Board and the Select Commissions in no more two months from the date that Cabinet receives this report.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct financial implications as a result of this petition. Regarding the recommendations dealing with the Council's procurement approach for goods and services the Council has a set of Financial Procurement Procedure Rules (FPPR's) and an Ethical Procurement Policy and will always procure services in line with these rules and this Policy.

7. Legal Advice and Implications

- 7.1 There are no direct Legal Implications as a result of this petition which are not already captured in this report.

8. Human Resources Advice and Implications

- 8.1 There are no direct human resources implications arising from this report however it is recognised that council employees may be affected by events referenced in this report and where needed, will be supported through our established channels.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for Children, Young People, and Vulnerable Adults directly arising from the report.

10. Equalities and Human Rights Advice and Implications

- 10.1 Furthering equalities and human rights are key objectives in undertaking scrutiny activity; therefore, Members have considered equalities implications in the development of scrutiny work programmes, lines of enquiry and in their formulation of recommendations designed to improve the delivery of council services for residents

11. Implications for CO2 Emissions and Climate Change

11.1 There are no climate or emissions implications directly associated with this report.

12. Implications for Partners

12.1. There are no implications for partners directly arising from the report.

13. Risks and Mitigation

13.1 Members have regard to the risks and mitigation factors associated with the services under scrutiny and have made recommendations accordingly.

14. Accountable Officers

Emma Hill, Head of Democratic Services and Statutory Scrutiny Officer

Approvals obtained on behalf of Statutory Officers: -

| | Named Officer | Date |
|--|----------------------|-------------|
| Chief Executive | Sharon Kemp OBE | 02/09/24 |
| Strategic Director of Finance & Customer Services (S.151 Officer) | Judith Badger | 21/08/24 |
| Assistant Director of Legal Services (Monitoring Officer) | Phil Horsfield | 07/08/24 |

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