

Public Report  
Overview and Scrutiny Management Board

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**Committee Name and Date of Committee Meeting**

Overview and Scrutiny Management Board – 24 July 2024

**Report Title**

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

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report outlines the recommendations of the sub-group arising from the discussion with representatives of petitioners, following the submission of a petition “Rotherham’s Commitment to a Permanent Ceasefire and To Promote Peace in Palestine and in the Region” (henceforth referred to as “the Petition”) to the Council meeting held on 28 February 2024.

**Recommendations**

1) That OSMB approves the following recommendations as outlined against the petition items below and forwards them to Cabinet for consideration and decision:

- 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 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 the concerns of the 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.

**List of Appendices Included**

- Appendix A: Letter to the Leader of the Council from the Chair of OSMB (1 May 2024)
- Appendix B: Demonstrations of support – suggestions from petitioners
- Appendix C: Details of the petition submitted.

## **Background Papers**

- Meeting of Council, Wednesday 28 February 2024 (Item 97.) Agenda item - PETITIONS - Rotherham Council
- Flag Protocol for Riverside House and Rotherham Town Hall: Cabinet and Commissioners' Decision-Making Meeting – 15 May 2017

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**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.

1.2 The petitioners sought the following resolution:

We the undersigned petition the Council to:

1. 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 The following offered their apologies for the sub-group meeting:

Apologies were received from: Councillor Tony Browne; Councillor Robert Elliott and Councillor Firas Miro.

1.6 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 A.

1.7 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 after the election.

## **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 Chair, Cllr 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.

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.

2.5 The sub-group reconvened on April 23, 2024, to consider its recommendations. Each of the petition points and corresponding recommendations are outlined in section 3, Key Actions, of this report (para 3.1-3.7).

These recommendations have been informed by advice from officers and in compliance with relevant policy and/or local government legislation.

## **3. Key Actions**

3.1 ***Corresponding Petition Recommendation Number:***

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

3.1.1 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”.

### 3.2 **Corresponding Petition Recommendation Number:**

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

##### 3.2.1 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.

### 3.3 **Corresponding Petition Recommendation Number:**

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

##### 3.3.1 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 and groups in supporting communities in need around the world. This includes promoting values such as human rights and equality which the Council supports.

### 3.4 **Corresponding Petition Recommendation Number:**

#### **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.**

##### 3.4.1 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. That the Leader writes to the relevant Minister to request the repeal of those sections which prohibit councils from taking 'non-commercial considerations' into account when awarding contracts to enable councils to reflect the concerns of the communities that they are elected to represent.

**3.5 Corresponding Petition Recommendation Number:**

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

**3.5.1 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.

**3.6 Corresponding Petition Recommendation Number:**

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

**3.6.1 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.

**3.7 Corresponding Petition Recommendation Number:**

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



### 3.7.1 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.

### 3.8 Other recommendations:

3.8.1 That the approved recommendations, be submitted to a future meeting of Cabinet or Council (as appropriate) for decision.

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

### 3.9 Other issues considered by the sub-group:

3.91 The sub-group did not support the request to join or form a coalition with other local authorities or make a declaration against "Israeli Apartheid". Whilst the power of local competence may allow the Council to join such a coalition, it would need to establish if the coalition's aims would be those that RMBC could lawfully support. As outlined above (paras 3.2.1 and 3.4.1), S.17 of the Local Government Act 1988, removed the discretion of local authorities to take non-commercial matters into consideration when procuring goods and services. It is likely that there would be an expectation that by joining such a coalition or making a declaration, that the Council would make procurement decisions based on whether the company was based in or had ties to Israel. It is felt that to do so would be misleading, in that, it would give the false impression that the Council had the ability to take action, whereas in reality legislation prohibits the Council from taking substantive action.

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