



Report to Policy Committee

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Report of: *Director of Policy and Democratic Engagement*

Report to: *Strategy and Resources Policy Committee*

Date of Decision: *21 February 2024*

Subject: ***Update on Sheffield City Council's actions relating to the ongoing conflict in Israel and Palestine***

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA: 2580		
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

This report considers a series of actions to be undertaken by Sheffield City Council responding to concerns expressed by local people in relation to the ongoing conflict in Gaza and the humanitarian situation that continues to unfold. It also responds to a recent Full Council motion, which amongst other things, called for the Strategy and Resources Committee to consider whether Sheffield City Council should join the Sheffield Coalition Against Israeli Apartheid.

Recommendations:

For Strategy and Resources Committee:

1. To note that the aims of the Sheffield Coalition Against Israeli Apartheid are ones that Sheffield City Council may not lawfully implement, and therefore to note that the Council cannot join the Sheffield Coalition Against Israeli Apartheid
2. To note the concern of many people in Sheffield about the loss of civilian life in Israel and Palestine, to note the actions of many people in Sheffield who have campaigned against the ongoing violence, particularly in Gaza, and those who have fundraised to support the victims of the conflict, and to note the options available for Sheffield people to donate to the humanitarian response should they so wish.
3. To note that Sheffield City Council does not have any contractual relationship with any of the companies named in the UN Human Rights Council as enabling or supporting the construction or continued existence of illegal settlements in the Occupied Palestinian Territories and to note that the Council will always procure services in line with its Ethical Procurement Policy
4. To note Sheffield City Council's continued recognition of the State of Palestine as a full, sovereign, and independent nation, as set out in the resolution of Full Council on 4 September 2019

Background Papers:

1 November Full Council motion: [Council Motion](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Matt Ardern/Glen Swaby
		Legal: Andrea Simpson
		Equalities & Consultation: Adele Robinson
		Climate: <i>n/a</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>James Henderson</i>
3	Committee Chair consulted:	<i>Cllr Tom Hunt</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>James Henderson</i>	Job Title: <i>Director of Policy and Democratic Engagement</i>
	Date: 5 February 2024	

1. BACKGROUND

- 1.1 This report seeks to provide an update on the Council's actions relating to the ongoing conflict in Israel and Palestine, and to respond to a number of deep concerns raised by Sheffield people about the situation in Gaza. As part of this, it also responds to a request from Full Council for the Strategy and Resources Committee to consider whether the council should join the Sheffield Coalition Against Israeli Apartheid.
- 1.2 Sheffield was the first UK city of sanctuary and has a proud track record of standing up for those who have suffered human rights abuses or have fled to Sheffield from oppressive regimes around the world.
- 1.3 In September 2019, Full Council passed a resolution formally recognising Palestine as a full state and calling upon the UK Government to do the same. That resolution noted the importance of a genuine two-state solution to the resolution of the Israel-Palestine conflict, and that recognition of Palestine as a full state under international law was a necessary step towards this.

2. SHEFFIELD COALITION AGAINST ISRAELI APARTHEID

- 2.1 At its meeting on 1 November 2023, Full Council passed a resolution that, amongst other matters, called for a humanitarian ceasefire, and called for Strategy and Resources Committee to consider whether Sheffield City Council should join the Sheffield Coalition Against Israeli Apartheid (the Coalition).
- 2.2 Senior Elected Members and officers met with representatives of the Coalition on 19 January 2024 to understand in more detail the group's background, and their aims and objectives, in order to inform the recommendations in this paper.
- 2.3 The Sheffield Coalition Against Israeli Apartheid is an umbrella group, consisting of a number of other organisations, including the Sheffield Palestinian Solidarity Campaign, Sheffield Trades Council, Kairos Sheffield, and Sheffield Labour Friends of Palestine.
- 2.4 The [aim of the Coalition](#), at a local level¹, is for Sheffield City Council to declare Sheffield to be an 'apartheid free zone'. In the view of the Coalition this would mean, as a minimum, declaring Israel to be an apartheid state and to make a formal statement of action, similar to the

¹ The Coalition have two other objectives, but these are for national Government or international action. These are:

- "That the UK government investigate British citizens who have joined the Israeli Defence Force and bring criminal charges and cease its support for the Israeli army
- There is an immediate ceasefire, an end to the occupation, and a just political solution based on an end to discriminatory apartheid policies, settler-colonialism and ethnic cleansing."

one made by the council in response to South African apartheid in 1981. This would include:

- “1. Cease purchasing goods that originate from Israeli within the purchasing authorities in which the council is involved.*
- 2. Refuse to hold investments in companies with Israeli interests.*
- 3. Ensure that the Council is not officially represented at any function attended by the Israeli government or trade missions.*
- 4. Withhold use of recreational facilities from any sporting or cultural event involving representatives of Israeli organisations which give support to the [Israeli] regime.*
- 5. Discourage all economic links with Israel, promoting better relations with the developing economies of the Third World.*
- 6. Take steps to ensure that the history, culture and struggle for self-determination of Palestinian people are positively and equitably taught.*
- 7. Instruct the city Libraries and Schools not to make available Israeli government propaganda and*
- 8. Promote public understanding of the situation in Israel.”*

3. CONSIDERATIONS IN RESPECT OF JOINING THE COALITION

3.1 There are three questions it is suggested that the Committee should take into account in respect of a decision to join the Coalition. These are:

- A) Is it lawful for Sheffield City Council to join a membership organisation such as the Coalition?
- B) If so, are the aims of the Coalition ones that the Council may lawfully support?
- C) If so, are the aims of the Coalition ones that the Council wishes to support as a matter of policy?

3.2 Each is considered in turn below:

A) Is it lawful for Sheffield City Council to join a membership organisation such as the Coalition?

3.3 Sheffield City Council, in common with most, if not all local authorities, is a member of many different organisations. These include formally constituted bodies such as the Local Government Association and looser arrangements, such as Core Cities UK, which is hosted on behalf of its members by Manchester City Council.

3.4 Generally speaking, local authorities are permitted by the power of general competence established in the Localism Act 2011 to do anything that individuals generally may do, albeit with certain limitations. In principle, therefore, the power of general competence would permit SCC to join a membership organisation such as the Coalition, subject to it being an organisation whose aims and objectives accorded with our own and that were lawfully capable of being endorsed by the authority.

B) If so, are the aims of the Coalition ones that the Council may lawfully support?

3.5 Having established that it is permissible in general terms for the Council to join membership organisations, including unincorporated ones, such as the Coalition, the Committee must consider whether the aims of the Coalition are ones that it may lawfully support.

3.6 The aims of the Coalition are set out above, and in summary, call on Sheffield City Council to declare the city to be an apartheid-free zone, to declare Israel to be an apartheid state, and to make a formal statement of action, similar to the one produced by the Council in 1981 in response to the apartheid policies of South Africa.

3.7 Section 17 of the Local Government Act 1988, which passed into law after SCC's actions in respect of South Africa, places restrictions on the considerations which local authorities may take into account when procuring goods or services. These so-called non-commercial matters include: "the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors."

3.8 Although joining the Coalition would not, in itself, formally establish its aims and objectives as SCC policy, it is very likely that a reasonable expectation would be formed that those aims and objectives would guide the way in which the council might subsequently act. In particular, the Coalition's objective that Sheffield City Council declare Israel to be an apartheid state, and points 1, 2 and 5 of the proposed statement of action are very likely to be unlawful under s17 of the Local Government Act 1988 as they would result in an expectation that Sheffield City Council would consider whether or not a business originated in, or had ties to, Israel as part of its procurement decisions. This would be a non-commercial matter under s17 of the Act.

3.9 Point 8 of the proposed statement of action is also very likely not to be permitted under the Recommended Code of Practice for Local Authority Publicity. This is a statutory code of practice that local authorities must have regard to when publishing any statement or other form of communication. It states that: "Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy." It also states that "local authorities should not use public funds to mount

publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy". Using Council resources to "promote understanding of the situation in Israel" is likely to be caught by this provision. The committee should also be aware that under s142 of the Local Government Act 1972, the council is not permitted to publish any information if the purpose of that publication is to persuade rather than to inform.

- 3.10 Furthermore, the committee should note that Parliament is currently considering the Economic Activity of Public Bodies (Overseas Matters) Bill. This Bill would, if passed, specifically restrict the council from having regard to a territorial consideration in a way that would cause a reasonable observer of the decision-making process to conclude that the decision was influenced by political or moral disapproval of foreign state conduct. This would be in addition to the prohibitions set out in the 1988 Act. Although this is not yet law, it is important that the committee is aware that were it to be passed it would apply to retrospective decisions of the council.
- 3.11 In conclusion, the provisions of the Local Government Act 1988 are very likely to mean that the council would be at risk of acting unlawfully were it to join the Coalition, because a reasonable expectation would be established that the Council may seek to disallow or disadvantage companies that originated in, invested in or did business in Israel from competing for SCC contracts. The Recommended Code of Practice for Local Authority Publicity is also likely to be engaged in respect of some of the steps that the Coalition would wish the authority to take.

C) If so, are the aims of the Coalition ones that the Council wishes to support as a matter of policy?

- 3.12 Because the aims of the Coalition are ones that the Council may not lawfully support, no consideration has been given to the merits or otherwise of the Council actually supporting them.

4. CONCERNS EXPRESSED AND PROPOSED SHEFFIELD CITY COUNCIL ACTIONS

- 4.1 On 4 September 2019, Full Council passed a resolution recognising Palestine as a full, independent state, and that this was a necessary step towards a genuine two-state solution to the Israel-Palestine conflict. Since that point, the Council has consistently maintained its recognition of Palestine as an independent state. The Committee is asked to note the Council's continuing position on this matter.
- 4.2 Members of the committee are also asked to note that a separate paper to be considered by the committee on this agenda will recommend that a Friendship Agreement is entered into with the West Bank town of Nablus, following an approach made by the town's leadership to Sheffield some years ago.

- 4.3 The Council is also aware of the fact that deep concerns have been raised by very many people in the city in relation to the ongoing violence in Gaza that has occurred over recent months and the long-standing unresolved conflict.
- 4.4 Following the 7 October 2023 Hamas attack on Israel and the subsequent conflict in Gaza, many people in Sheffield have shown their solidarity for the suffering of people in Israel and Palestine. Many Sheffield people have taken part in protests and campaigns about the conflict and many more have been involved in fundraising and other humanitarian activity to support the victims of the conflict. There are a variety of ongoing appeals for donations to support the humanitarian response in Gaza; these include the Red Cross appeal for Israel and the Occupied Palestinian Territories; UNICEF's appeal to support children in Gaza; and Islamic Relief's Palestine Emergency Appeal.
- 4.5 Concerns have been raised by campaigners about whether the Council has any contractual or other relationships with companies that have been identified by the UN Human Rights Council as enabling or supporting the construction or continued existence of illegal settlements in the Occupied Palestinian Territories. All contracts that the Council enters into with third party organisations are let in accordance with the Council's ethical procurement policy. Having undertaken a review, Sheffield City Council can confirm that it has no relationship with any of the companies listed in the [UN Human Rights Council's latest update](#) as part of its visible supply chain.
- 4.6 Furthermore, a review of the council's ethical procurement policy is currently underway, and will be considered by this committee in the new municipal year as part of a wider Commercial Strategy for the council. As part of this review, concerns raised by campaigners will be considered and taken into account.

5. HAS THERE BEEN ANY CONSULTATION?

- 5.1 A meeting was held with the representatives of the Coalition on 19 January 2024 to understand in more detail their aims and objectives. Because the proposal to join the Coalition is considered to be one that the Council cannot lawfully make, no further consultation has been undertaken on the first recommendation of the report.
- 5.2 Consultation has not been undertaken in respect of recommendations 2 and 4 because they relate to existing policy of the council and note the actions taken by the people of Sheffield over recent months.
- 5.3 Consultation has not been undertaken in respect of recommendation 3 because they relate to existing contractual arrangements and the outcome of an internal review.

6. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

6.1 Equality Implications

6.1.1 There are equality implications associated with this decision. The Council has a duty (the Public Sector Equality Duty) under the Equality Act 2010 to, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

6.1.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion and or belief, sex, and sexual orientation. Everyone has protected characteristics.

6.1.3 The Act explains 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.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.1.4 An Equality Impact Assessment has been undertaken for the recommendations in this report. It notes that since the events of 7 October, there has been an increase in concern within the city about the events taking place in Israel and Gaza, with a number of protests taking place. There have been reports that some members of both the Jewish and Muslim communities have felt less safe in the city since October, and there has been a rise in some types of hate incident, which may be associated with the events in the Middle East.

6.1.5 The committee should be particularly aware of the requirement under the Equality Act to have due regard to the need to eliminate discrimination and to foster good relations between different groups of people. The recommendations in the report seek to proportionately consider the council's equality obligations both to Palestinian and Arabic people and Islam, and to Jewish people and Judaism.

6.1.6 The EIA notes that the recommendations in this report may be perceived differently by different groups of people in the city. In particular, the recommendation to note that the Council may not lawfully join the Coalition is likely to be viewed negatively by those who are campaigning in support of the Palestinian people. Equally the recommendations responding to other concerns may not be welcomed by some Jewish people in the city.

- 6.1.7 It is also important that the committee consider the implications of the recommendations on the council's workforce. The council employs a large number of Muslim people and a smaller number of Jewish people. Although there is no evidence of an increase in specific incidents associated with the Israel-Gaza conflict amongst our staff, they are likely to have had similar experiences to other members of their communities. As such they may feel at heightened risk since the events of 7th October.
- 6.1.8 Council EIAs consider social cohesion, which takes account of factors like community relations, harmony and tensions, social inclusion and local connectivity. Since 7th October there have been multiple protests in the city both about the conflict in Gaza and the council's actions in respect of flying the Israeli flag on 10th October. There has been an increase in antisemitic and anti-Muslim hate crime and hate incidents being reported.
- 6.1.9 It is unlikely that any Council report on the topic of the Israel-Gaza conflict could, in itself, reduce community tensions without a wider solution to the conflict being in place. However, the Council is supporting continued dialogue with faith and community leaders about the action that the council is taking in order to reduce tensions and to promote understanding.
- 6.1.10 The committee should be mindful of those concerns which impact both the race and religion/belief protected characteristics (and the additional characteristic of social cohesion) when considering the recommendations. Nevertheless, the report suggests a range of actions that seek to demonstrate that the council is listening and responding proportionately and in line with the law to the concerns raised, in line with the Public Sector Equality Duty.

6.2 Financial and Commercial Implications

6.2.1 There are no immediate financial implications of this proposal. There are commercial implications of this proposal, including noting the restrictions around public procurement under s17 of the Local Government Act 1988 and that nothing in this report recommends any action that would be in contravention of this.

6.2.2 The report notes that the council does not have commercial relationships with any of the businesses named in the UN Human Rights Commission report as having links to the Occupied Territories/illegal settlements.

6.3 Legal Implications

6.3.1 The legal implications of the report are set out in detail in the main body of the report.

6.5 Climate Implications

6.5.1 There are no climate implications arising from this proposal

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 The only alternative option considered was to join the Sheffield Coalition Against Israeli Apartheid. As discussed in the body of the report, this option was likely to be unlawful and, as such, was discounted.

8. REASONS FOR RECOMMENDATIONS

8.1 By adopting the recommendations, the Council will demonstrate how it is responding to the concerns raised about the ongoing conflict in Gaza by many in the city, whilst ensuring that it acts in accordance with the legal framework laid down by Parliament.

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