

**Strategic Policy Committee
Planning and International Relations
Minutes of Meeting held on 8th September, 2015 Council Chamber, City Hall**

Attendance

Cllr. Andrew Montague (chair)
Cllr. Cathleen Carney Boud
Cllr. Daithí De Róiste
Cllr. Kieran Binchy
Cllr. Áine Clancy
Cllr. Dermot Lacey

Mr. Alex Sproule
Mr. John McGrane
Ms. Ozgur Yucel-Finn
Mr. Patrick King
Ms. Valerin O 'Shea

Apologies

Cllr. Janice Boylan

Officials

Mr. Jim Keogan, Assistant Chief Executive
Mr. Peter Finnegan, Executive Manager, Economy & International Relations
Mr. Paul Clegg, Executive Manager, Planning & Department
Ms. Maire Igoe, Senior Executive Officer
Mr. Michael Sands, Senior Executive Officer
Mr. John O' Hara, Deputy City Planner
Ms. Niamh Lambert, Administrative Officer
Ms. Bernie Mills, Senior Staff Officer

1. Minutes of Meeting of 23rd June 2015
Order: Agreed

2. Matters Arising

Cllr. Dermot Lacey recorded his apologies retrospectively for non attendance at the April 2015. In relation to **item 5** on minutes, the members were informed that phases 1 and 2 of the NIAH survey are available in CD format on request.

Mr. Jim Keogan, Assistant Chief Executive informed the members that it is proposed to submit a draft scheme for the O'Connell Street Special Area of Planning Control to the City Council October meeting, and put the draft scheme on public display by mid October. References on all properties affected by the scheme are currently being carried out by the Law Department and when finalised, this scheme will go on public display.

With regard to **item 6** in the minutes **Motion 343** in relation to reviewing the Planning website Cllr. Andrew Montague agreed that informal meetings be held to discuss this website.

3. Living City Initiative

Mr. John O' Hara, A/City Planner, updated the members on the Living City Initiative, and informed them that BDO have been requested to provide financial advice to Dublin City Council

on the benefits of the initiatives to building owners/purchasers. Following the report from BDO Cllr. Montague recommended that a workshop be held.

Order: Noted.

4. Development Plan Update

Mr. John O' Hara, A/City Planner, updated the members on the proposed Draft Development Plan and informed them that the Draft Plan will be on public display from 1st October, 2015 for 10 weeks. Public information session will be held during October. Chief Executive's report on public consultation will be circulated to Councillors by 13th March, 2016.

Order: Noted.

5. Review of Section 48 Financial Contribution Scheme Report

A report on the Draft Development Contribution Scheme 2016-2020 (under Section 48, Planning & Development Act, 2000 as amended) was circulated with the agenda. Ms. Máire Igoe, SEO, updated the members on the report; it was followed by a question and answer session. Ms. Igoe informed them that the scheme would be on public display from 14th September, 2015 to 27th October, 2015 and any submissions/observations may be submitted during that period.

Order: Report noted

6. International Relations

A report was circulated with the Agenda on Actions for Global Relevance a policy to govern international leadership provided by Dublin City Council, Mr. Peter Finnegan, Executive Manager, played four promotional films on this matter and updated the members.

Order: Reports noted

7. A.O.B:

Ms. Ozgur Yucel-Finn circulated an invitation on behalf of the Irish Planning Institute (IPI) to the members on "Making Cities Work-Technology in Planning Practice" scheduled for 15th & 16th October, in Dublin Castle.

Next meeting: Scheduled for 3rd November, 2015 @ 3.30 in the Council Chamber, City Hall.

**Presentation to the Dublin City Council
Planning and International Relations Strategic Planning Committee
Tuesday, 3rd November 2015
Metro Dublin Development**

What is the Metro Dublin Development? It is a world-class integrated public transport development that serves both Dublin and the country. It can be seen to hit many of the buttons for proper planning and sustainable development in Dublin. It has 49 stations or 57 when shared stops are included. Works involve the upgrade of existing lines 28 km, new lines 17 km on surface and 45 km in tunnel.

How does it serve Dublin? It efficiently joins up the city and national railways to integrate the existing public transport services, see map overleaf. Compared to the shelved metro plans, vast additional areas are served, patronage is significantly increased. It connects Dublin city centre with its suburbs and major traffic generators of *Adamstown, Ashbourne, Ballymun, Blanchardstown, Castleknock, Clondalkin, Croke Park, Dublin Airport, Finglas, Dublin City University, Dublin Institute of Technology, Greencastle, Harold's Cross, Howth Junction/Donaghmede, Harolds Cross, Malahide, Rathfarnham, Swords, Terenure and Whitehall.*

What are the benefits of the Metro Dublin Development? It delivers on the long accepted social, economic and environmental case for a metro in Dublin. Major benefits include:

- Quality of life improvements and the ability to enhance Dublin as a residential and investment location;
- An affordable world-class public transport system that integrates and enhances existing public transport services.

Is purchase of state land required for stations? No, just 'way-leaves' are required to enable; construction, maintenance and access to stations. Of the stations; 32 are on state controlled land and 6 are on part state and part private land. No State lands will be purchased. All stations lands, bar two, are on existing stations, or agriculture, or car park, or open space, or roads.

Why are the Adamstown and the Blanchardstown lines included? To underpin high usage of public transport Metro Dublin needs the availability of a 'critical-mass of public transport infrastructure'. This will facilitate Irish Rail to run high frequency/quality services on these lines and on the rest of the Development (all lines are needed to be used to their maximum).

Are their conflicts with the existing intercity rail services? No. Metro Dublin track layout is such that its services are run on grade separated (bridged-over) tracks from the Irish Rail intercity trains – conflicts are thus avoided.

Does Metro Dublin conflict with other transport proposals? Metro Dublin boosts the utility/business cases of DART Underground, Luas and bus rapid transit plans. For instance, should DART Underground precede then platform to platform access will be available to/from the DART Heuston Station to Dublin City University, Dublin Institute of Technology, Dublin Airport and St James's Hospital, and to/from the DART Christchurch Station to O'Connell Street, Croke Park stadium, Beaumont Hospital, Terenure and Rathfarnham.

Metro Dublin upgrades the TII (RPA) Metro North Luas to full metro, thus, boosting operation quality and reducing operation costs by at least 15% and power consumption by 10%.

Does Metro Dublin expect the involvement of Dublin Local Authorities? Yes (just as cities authorities world-wide are part and parcel of their public transport delivery) **and would like to explore the scope for partnership collaboration and/or co-operation to secure potential benefits with Dublin City Council.** The Fingal County Council Director of Operations has indicated that he is happy to assist Dublin City Council in their evaluation of the Metro Dublin Proposals.

How can the Local Authorities get involved? They can be involved through the State Authorities (Public Private Partnership Arrangements) Act 2002. The Act provides certainty as to the powers of Irish State authorities to enter into Partnerships and gives local authorities the power to enter into joint ventures. It strikes a balance between the needs and interests of the public sector, and ultimately those of the Exchequer, and the private sector. (Source: the Department of Public Expenditure and Reform.)

What are the advantages of Local Authorities involvement? An extensive and affordable metro can be in operation in 2020 (as against a single line in 2027), one that has a profoundly positive impact on the proper planning and sustainable development of Dublin and a positive impact on the country.

Has the Metro Dublin Development the team and finance lined up to deliver? Yes. Metro Dublin's capability and credibility to complete the proposed development is fully supported by its core development team, financiers and track record.

The core development team met with the An Bord Pleanála Pre-Application Consultations Board three weeks ago. The core development team are world leaders in terms of metro fast delivery, low outcome/final all-in cost and quality. They have delivered extensive high quality metro projects similar to the Metro Dublin development many times. They participated as the management team of the Madrid Regional Government in all phases of implementation of its new metro infrastructure, since its initial conception to commissioning to commercial operation. They will take the Metro Dublin Development through its delivery - from the start of its development and due process to procurement to contract to commissioning. Their ability, experience and delivery record fits the Metro Dublin development needs - to do everything through EU procurement methods, to procure fast, appoint contractors, and supervise delivery and commissioning the full development – (see Slide at meeting).

The Metro Dublin financial team have the capability to provide the finance to fund the development, and the Metro Dublin track record included the bona fide development proposal which it developed with a Japanese Consortium and presented to the Taoiseach and his Cabinet Committee on Infrastructure and Public Private Partnerships. The Japanese Consortium built the Dublin Port Tunnel.

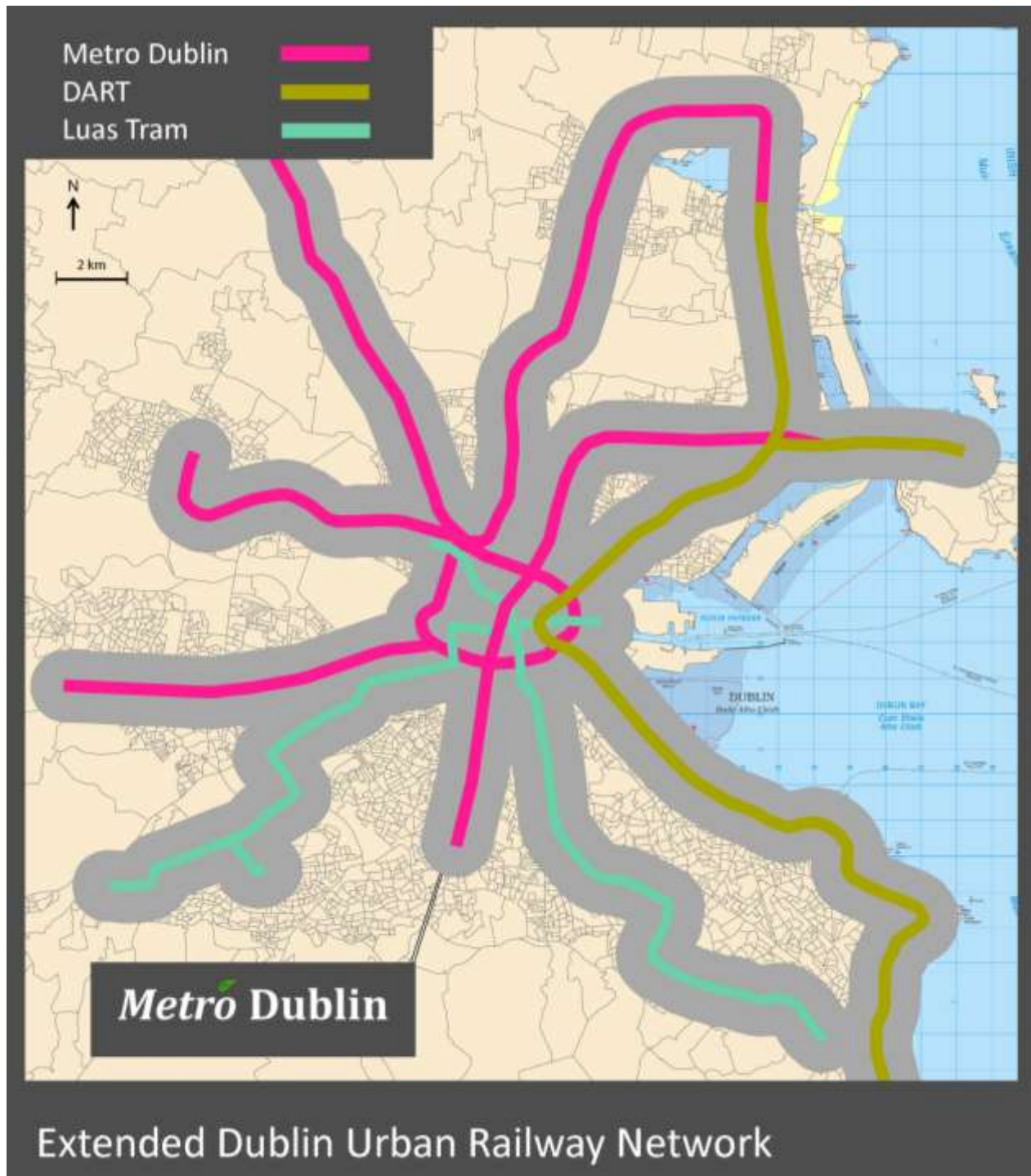
What is the context of the Development? The context of the Development is that it is introduced:

- Under the Transport (Railway Infrastructure) Act 2001 and the Planning and Development (Strategic Infrastructure) Act 2006 – they facilitate 'any person' to make an application for a Railway Order;
- Under Government policy and objectives to deliver sustainable infrastructure, as promoted by the Government and the EU. They set out to attract private proposals that address the deficit of investment for sustainable urban public transport infrastructure;
- To ameliorate the situation where major infrastructure projects were developed and then shelved. This situation is widely recognised as one that provides justification for entering into direct discussions with State Authorities;
- In an open transparent and value for money competitive manner that is open to scrutiny, debate and criticism. For instance, EU tenders will be used for all contracts; and
- To exploit unique innovative methods that improve benefits, reduce costs and are in the public interest.

What would be the burdens on public bodies? At this stage it suffices to say here that the Metro Dublin sees that a) the Development and operation will at all times accrue net income for the Exchequer and the Local Authorities and b) compared to the shelved metro schemes that they are significantly less intrusive.

Finally, I would like, in particular to thank your Chairman for extending an invitation to present the Metro Dublin Development to you today and hopefully we can explore with you the scope for partnership collaboration and/or co-operation to secure potential benefits for Dublin City Council.

Metro Dublin Development



Cormac Rabbitt CEO Metro Dublin

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Metro for Dublin Swords Finglas Dublin Central Line Castleknock Clondalkin Rathfarnham

Regulation of Lobbying Act 2015

Presentation to Local Authorities

Standards in Public Office Commission

October 2015

Introduction

- Lobbying is a legitimate and essential part of the democratic process
- Register will enhance public confidence by providing easy access to information on lobbying activities
- Regulation of lobbying should not impede individual day to day interaction with public representatives
- Designated public officials will play critical role in success of regime

Lobbying regulation: Ireland's approach

- Registration of lobbyists (wide ranging scope)
- Regular submission of returns (3 x/year)
- Web-based public registry
- Independent lobbying registrar
- Approach based on promoting compliance
- Investigation and enforcement provisions
- Regular reports to parliament
- Legislative review
- Post-employment restrictions for **some** public officials

What is lobbying?

- Layperson's view?
- View in Act:
Communication by:
 1. Persons within the scope of the Act
 2. On relevant matters
 3. With Designated Public Officials

Who is within the scope of the Act?

- Persons with more than 10 employees
- Representative bodies and advocacy bodies with at least 1 employee
- Third party lobbyists paid by a client (who fits one of the above criteria) to lobby on the client's behalf
- Anyone lobbying about the development or zoning of land

Only if the communications are with Designated Public Officials and relate to “relevant matters”

Who are the Designated Public Officials?

- Ministers, Ministers of State
- Members of Dáil Éireann, Seanad Éireann
- Members of the European Parliament for Irish constituencies
- **Members of Local Authorities**
- Special Advisors
- Senior Civil and Public Servants
 - Civil service: Secretaries General, Assistant Secretaries, Director grades and equivalent
 - **Local authorities: CEs , Directors of Services , Heads of Finance**
 - To be extended to PO grade within 12 months

What are relevant matters?

- The initiation, development or modification of any public policy or of any public programme;
- The preparation of an enactment; or
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds...

Apart from matters relating only to the **implementation** of any such policy, programme, enactment or award **or of a technical nature**

Exemptions (s.5(5))

Several types of communications are exempt from requirement to register:

- Private affairs
- Principal private residence
- Diplomatic context
- Between public officials
- Strictly factual information
- Trade union negotiations
- Threat to life or safety
- Security of the State
- Shareholder of State body
- Within proceedings of Oireachtas Committee
- Information requested and published by public body
- Groups established by Public Body where Transparency Code applies

Transparency Code

- S.5(7) provides that Minister for Public Expenditure and Reform shall prepare "Transparency Code"
- Communications within certain relevant bodies (such as ministerial advisory groups) exempt from requirement to register/report on lobbying activities if they conduct activities in accordance with Code
- Code requires publication of membership, terms of reference and minutes

What is registered?

- Register after first communication with a designated official
 - Organisation Name
 - Business address
 - Person with primary responsibility for lobbying
 - Main business activities
 - Contact details
 - Company Registration Office Number and address
 - Confirmation that details supplied are correct.

What is returned?

- 3 Returns periods per year
 - 1 Sept–31 Dec; 1 Jan–30 Apr; 1 May–31 Aug
- Information required
 - Who was lobbied
 - Subject matter of lobbying activity
 - Intended results
 - Type and extent of activity
 - Name of any person in your organisation who is or was a designated official and carried out lobbying activity
 - Client information if relevant
 - Confirmation that details supplied are correct.

Delayed publication

- Standards Commission can delay publication of information on specific grounds:
 - Commercially sensitive
 - Financial interests of the State
 - Government's ability to manage the economy having regard to the public interest.
- Can request delayed publication of up to 6 months (can reapply for further period if needed)

Review of legislation

- Review one year after commencement
- Subsequent Reviews every 3 years (subject to Dáil approval)
 - Commission
 - Oireachtas Reports
 - Interested Parties
- Investigations and enforcement provisions in effect after one year

Standards in Public Office Commission

- 6 Member independent body
- Oversees ethics and electoral acts
- Supported by a Secretariat (including Lobbying Regulation Unit)
- Experienced regulator in ethics field
- Approach based on promoting compliance
- Enforcement tools used when necessary

Commission role in regulating lobbying (1)

- Registrar of Lobbying (s.9)
- Develop and oversee web-based public register (s.10)
- Matters for decision (may be appealed):
 - Information on register (ss.10(5))
 - Delayed publication (s.14)
 - Post-employment (s.22)
- Code of Conduct (s.16)

Commission role in regulating lobbying (2)

- Provide guidance, promote understanding (s.17)
- Power to investigate (s.19)
- Fixed Payment Notices (low level fines) for minor breaches (s.21)
- Offences provisions for significant breaches (s.20)
- Annual reports to Oireachtas

Key milestones

1. Regulatory unit established
2. Advisory Group in place
3. Website and online registration system developed
4. Communications and outreach campaign
5. Guidance and information material published
6. Commencement of legislation – 1 September 2015
7. First returns due – 21 January 2016

Guidelines for Local Authorities

- Guidelines on website www.lobbying.ie (for DPOs and tailored for Local Authorities)
 - Click “Help and Resources” / “Information for Public Bodies”
- Overview of topics covered:
 - Definitions (lobbying, relevant matter, exemptions)
 - How registry will identify DPOs and lobbyists etc.
 - Best practices for DPOs (record-keeping, self-identification)
 - Excepted communications
 - Post employment cooling-off period
 - Identification of former DPOs in lobbying return

Guidelines on Zoning and Development

- Guidelines on website www.lobbying.ie
 - Click “Help and Resources” / “Information for Lobbyists”
- Overview of topics covered:
 - What is meant by zoning and development
 - How zoning and development rules might apply to individuals
 - Deciding if an activity is lobbying (what’s in, what’s out)
 - How to comply with the legislation

What does it all mean for you?

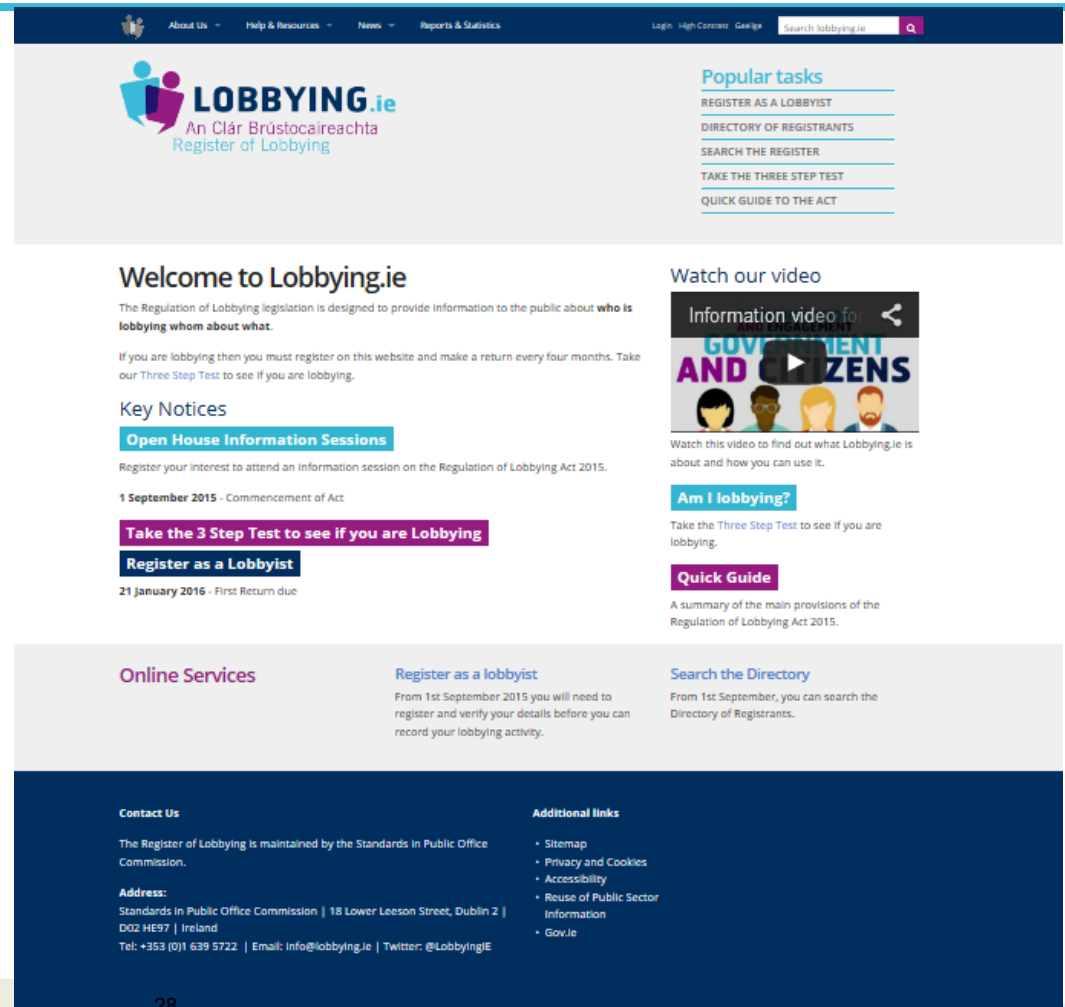
- Meeting with lobbyists legitimate and valid part of your role – should continue to facilitate and encourage communications.
- Not all communication is lobbying.
- Not all lobbying happens in a meeting room.
- Obligation to register rests with person lobbying, not you.
- Communications between you (in capacity as public servant) and other designated public officials or public servants are exempt.
- Certain Task Forces and working groups are exempt.
- Officials' names will appear on the register as a result of lobbying communication.
- There is a right to seek correction of any inaccurate information.

Best Practices for Local Authorities

- Be aware of the rules when meeting with lobbyists
 - Get familiar with the Act and guidelines
- Determine if working groups should operate under Transparency Code
- Self-identify as a Designated Public Official
 - Meetings, Emails, Business cards, other?
- Maintain good record keeping habits
- Check the register from time to time
- Guide people lobbying you to www.lobbying.ie for more information on their obligations
- Continue to engage with lobbyists

Thank You

Website:
www.LOBBYING.ie



The screenshot shows the LOBBYING.ie website. The header includes navigation links: About Us, Help & Resources, News, Reports & Statistics, Login, High Contrast, and a search bar. The main content area features the LOBBYING.ie logo and a list of popular tasks: Register as a Lobbyist, Directory of Registrants, Search the Register, Take the Three Step Test, and Quick Guide to the Act. Below this is a 'Welcome to Lobbying.ie' section with a brief explanation of the Register of Lobbying and a 'Three Step Test' link. A 'Key Notices' section highlights 'Open House Information Sessions' and 'Take the 3 Step Test to see if you are Lobbying'. A video section titled 'Watch our video' features an 'Information video for GOVERNMENT AND CITIZENS'. Below the video is a 'Quick Guide' link. The footer contains 'Online Services' (Register as a lobbyist, Search the Directory), 'Contact Us' (address, phone, email, Twitter), and 'Additional links' (Sitemap, Privacy and Cookies, Accessibility, Reuse of Public Sector Information, Gov.ie).



Guidance for Local Authority Members on the Regulation of Lobbying Act 2015

August 2015

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Introduction

The *Regulation of Lobbying Act 2015* was signed into law in March 2015. The *Regulation of Lobbying Act 2015* (no 5 of 2015) (the Act) will commence on 1 September 2015.

Local Authority Members are Designated Public Officials (see page 3 for an explanation of who these are). **Local Authority Members are not required to register or submit a return when lobbied.** Their interactions when lobbied must be reported by the lobbyists in accordance with the *Regulation of Lobbying Act 2015*. These guidelines have been drafted to ensure that Local Authority Members understand how the system works, how they fit in to it and their part in supporting the effective implementation of the arrangements.

Objectives of the Regulation of Lobbying Act 2015

The Act is designed to provide information to the public about:

- Who is lobbying;
- On whose behalf is lobbying being carried out;
- What are the issues involved in the lobbying;
- What is the intended result of the lobbying;
- Who is being lobbied.

The Act provides for:

- The establishment and maintenance of a publicly accessible register of lobbying;
- Obligations on lobbyists to register and to provide information regularly about their lobbying activities, including, in the case of professional lobbyists, information about their clients;
- The introduction of a “cooling off” period during which lobbying activity may not be carried out by some former Designated Public Officials. **This provision does not apply to Local Authority Members;** and
- The Standards in Public Office Commission (The Standards Commission) to be the regulator of lobbying.

Central Role of Lobbying in a Healthy Democracy

Lobbying is an essential part of the democratic process. Organisations such as interest groups, representative bodies, industry, NGOs, charities and third party professional lobbyists all provide necessary input and feedback through communication of the views and concerns of the public to government.

This interaction is a welcome and necessary element of policy development. Public bodies, public officials, TDs, Senators, Local Authority Members and other elected officials should continue to actively facilitate and encourage such communications to the greatest extent possible.

The Act does not aim to prevent or inhibit lobbying activity. Its objective is to make the process more transparent while supporting the interaction of public bodies, public officials and elected officials with all stakeholder organisations. It is important that registering on the lobbying website or engaging in lobbying activity should not have, or be perceived to have, any negative impact on a person's application for or consideration of any 'relevant matter'.

There may, of course, already be rules in place in relation to certain matters where lobbying is inappropriate and may disqualify one for consideration. In those instances, the Act does not change the current arrangements but does throw light on those communications, if they constitute 'relevant matters' as defined in the Act.

What communications are covered by the Act?

Persons are carrying on lobbying activities if they meet the following conditions:

1. They are communicating either directly or indirectly with a "Designated Public Official"; and
2. That communication is about "a relevant matter"; and
3. That communication is not specifically exempted; and
4. They are one of the following:
 - **A professional lobbyist** being paid to communicate on behalf of a client (where the client is an employer of more than 10 full time employees or is a representative body or an advocacy body which has at least one full-time employee);
 - **An employer with more than 10 employees** where the communications are made on the employer's behalf;
 - **A representative body** with at least one employee communicating on behalf of its members and the communication is made by a paid employee or office holder of the body;
 - **An advocacy body** with at least one employee that exists primarily to take up particular issues and a paid employee or office holder of the body is communicating on such issues;
 - **Any person communicating about the development or zoning of land**. Separate guidelines have been developed on lobbying activity regarding the **development or zoning of land** and are available online at <https://www.lobbying.ie/media/2215/regulation-of-lobbying-planning-guidelines-23062015.pdf>.

Local Authority Members Clinics

A significant amount of clinic communications will be exempt where the matter relates to an individual's private affairs or is communications by a micro-business with less than 10 employees.

Who are the Designated Public Officials (the lobbied)?

The lobbied under the Act are:

- Ministers and Ministers of State
- TDs and Senators
- MEPs for constituencies in this State
- **Members of local authorities**
- Special Advisers to Ministers and Ministers of State who have been appointed under section 11 of the Public Service Management Act 1997
- Public Servants as prescribed
- Other categories of persons as prescribed

In relation to **the Civil Service** the Minister for Public Expenditure & Reform is preparing regulations which will provide that any persons in positions in the Civil Service in respect of which the maximum salary is €110,014 or higher non PPC or €115,576 or higher PPC¹ are prescribed as Designated Public Officials. This will bring the following civil service grades within the scope of the Act from commencement:

- Secretary General and equivalent grades
- Assistant Secretary and equivalent grades
- Director and equivalent grades

In relation to **local authorities** the Minister for Public Expenditure & Reform is preparing regulations which will provide that any persons in positions in local authorities in respect of which the maximum salary is €100,348 or higher are prescribed as Designated Public Officials. This will bring the following local authority grades within the scope of the Act:

- Chief Executive Officers and equivalent grades
- Directors of Services and equivalent grades

The above list may be extended by Ministerial Order to other categories over time.

Publication of List of Designated Public Officials

Public bodies, including Local Authorities, must publish a list of Designated Public Officials within their organisation on their individual organisation websites. Public bodies will be asked to nominate

¹ The terms personal pension contribution salary or PPC salary and non personal pension contribution salary or Non-PPC salary are used extensively in circulars etc. to distinguish between salary scales payable to civil servants appointed either before or after 6 April 1995. PPC salary scales are paid to those appointed either on or after this date and required to make a personal pension contribution and Non-PPC salary scales are paid to those appointed on or before this date and not required to make a personal pension contribution.

a member of staff with whom the Standards Commission may liaise regarding maintenance of its list of Designated Public Officials.

Openness in Identifying Designated Public Officials

Elected officials should be proactive in advising possible lobbyists when attending a meeting, participating in a conference call, etc. that you are a DPO. This may be particularly useful in meetings where there are large numbers of persons including elected officials present and the identity and status of each person may not be known to those attendees from the private sector. One such means of being proactive for a DPO would be to include a line in his or her email signature stating:

***Designated Public Official under *Regulation of Lobbying Act, 2015*. See www.lobbying.ie.**

This could be included when issuing invitations to meetings or accepting an invitation.

What is “a relevant matter”?

A relevant matter is one which relates to:

- The initiation, development or modification of any public policy or of any public programme;
- The preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws);
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds;

apart from the implementation of any such policy, programme, enactment or award or any matter of a technical nature only.

Extra-territorial application of the Act

The Act applies to lobbying activities which take place within the State whether the lobbyist is based in Ireland or abroad. Foreign lobbyists who run a lobbying campaign aimed at Irish officials within the State cannot assume that their activities are exempt from the Act.

As regards lobbying activities which take place outside of the State, in line with the objectives of the Act, a person or organisation who is based outside the State and is lobbying an Irish Designated Public Official outside the State is encouraged to register such communications on the new web-based register from 1 September 2015. However, they would not legally be obliged to do so. Notwithstanding the issues in relation to the extra-territorial application and enforcement of the Act, each person or organisation lobbying would need to take into account reputational issues if they fail to register relevant lobbying communications with Irish Designated Public Officials.

As part of the review of the operation of the Act one year after commencement, the intention is to keep this aspect of the legislation under review during that period including any need for appropriate protocols for Designated Public Officials when operating abroad.

What are “the excepted/exempted communications”?

The following are “Excepted or Exempted Communications” and are not, therefore, regarded as lobbying activities:

- Private affairs: Communications by or on behalf of an individual relating to his or her private affairs about any matter other than the development or zoning of any land. This exemption will mean that a significant amount of constituency office communications will be exempt where the matter relates to an individual’s private affairs or is communications by a micro-business with less than 10 employees.
- Diplomatic relations: Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or other international intergovernmental organisations.
- Factual information: Communications requesting factual information or providing factual information in response to a request for the information.
- Published submissions: Communications requested by a public service body and published by it.
- Trade union negotiations: Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members.
- Public Safety and National security: Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State.
- Oireachtas committees: Communications which are made in proceedings of a committee of either House of the Oireachtas.
- Communications by Designated Public Officials or public servants: Communications by a Designated Public Official in his or her capacity as such; Communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body.
- Governance of Commercial State bodies: Communications by or on behalf of a commercial state body made to a Minister who holds shares in, or has statutory functions in relation to, the body, or to Designated Public Officials serving in the Minister’s department, and which are made in the ordinary course of the business of the body.
- Policy working groups: Communications between members of a body appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it. This exception only applies where the body is “a relevant body” and complies with a Transparency Code (see below).

Development and Zoning of Land

Separate guidelines have been developed on lobbying activity regarding the **development or zoning of land** and these are available online at <https://www.lobbying.ie/media/2215/regulation-of-lobbying-planning-guidelines-23062015.pdf>.

Transparency Code for a “relevant body” (working groups etc.)

A critical element of public policy formulation is the availability to Ministers and Public Bodies of expertise, skills and knowledge from persons outside of the public service. Often this process is formalised by the establishment of a task force, working group, etc. to focus on the examination of a particular policy issue or set of related issues. These groups are representative of key stakeholders and experts in relation to the matters being reviewed.

In light of the different nature of engagement between public officials and non-public servants in that type of forum, the Act does not seek to capture and register those interactions as lobbying communications where appropriate transparency arrangements are in place.

The Act, therefore, provides for an exception from the requirement to register in such cases once specified transparency criteria apply. The particular exception in the Act is for communications between members of certain types of such working groups, task forces, committees, etc. where the group in question complies with a *Transparency Code*. Such groups are defined in the Act as a “relevant body”. A copy of the Code is available online at <https://www.lobbying.ie/help-resources/information-for-public-bodies/transparency-code/>.

The exception in relation to Policy Working Groups only applies to a “relevant body” as defined in the Act. In order to be regarded as a relevant body the group must meet the following four conditions:

1. The group is set up by a Minister or public service body², and
2. Its membership consists of at least one Designated Public Official (DPO)³ and at least one person who is neither employed or engaged by a public service body, and
3. The group is reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister of the Government or the public service body on it, and
4. The group conducts its activities in accordance with the criteria set out in the *Transparency Code* (see below)
- 5.

² A public service body is defined in the *Regulation of Lobbying Act 2015*, section 7.

³ A Designated Public Official is defined in the *Regulation of Lobbying Act 2015*, section 6.

Checking the Accuracy of the Register

It is recommended that DPOs check the lobbying register on a periodic basis to ensure their name is associated with the correct lobbying activities and the information is factually correct. Persons have a right to seek correction from the Standards Commission where information is inaccurate.

Cooling-off Period

The Act provides that certain Designated Public Officials are restricted from being engaged in lobbying in certain circumstances for a year after they leave their employment or office in effect, they are potentially subject to a “cooling-off” period in respect of involvement in particular lobbying activities.

The Designated Public Officials concerned are Ministers and Ministers of State, special advisers to Ministers and Ministers of State and prescribed public servants (Section 22 (2)).

Others who are Designated Public Officials for the purposes of the lobbying registration requirements are not covered by this provision, that is, TDs and Senators (who are not Ministers or Ministers of State), MEPs and local authority members.

Designated Public Officials subject to this provision may apply to the Standards Commission for consent to waive these restrictions for all or part of the relevant period. The Commission may consent, may impose certain conditions, or may refuse consent. A public official who is unhappy with the decision may appeal the decision of the Standards Commission to an independent Appeal Officer.

Former or Current Public Officials Employed by or Providing Services to a Lobbyist

The Act requires individuals who are engaged in lobbying activity on behalf of a lobbyist and who were at any time a Designated Public Official to be named in returns on the Lobbying Register.

Section 12 of the Act provides that if you are or were a Designated Public Official (whether before or after the passing of the Act), and

- are employed by or providing services to a lobbyist, and
- were engaged in lobbying communications during a relevant reporting period,

your name is required to be included in a return by the lobbyist for that period and your name will appear on the Lobbying Register.

Assistance on Implementation of the *Regulation of Lobbying Act 2015*

It is advised that you become familiar with the Act and be in a position to advise persons engaged in lobbying on how to find out further information on the Act, if requested.

Further Information

Further information on the *Regulation of Lobbying Act 2015* is available at www.lobbying.ie.

Any public body or Designated Public Official who wishes to attend a briefing session on the Act should register their interest by emailing info@lobbying.ie

August 2015

**Report to the Planning and International Relations
Strategic Policy Committee
November 2015**

**UK Planning Legislation Report on
Recent/Proposed Changes to Permitted Development**

This report looks at recent and proposed changes to permitted development rights in the UK. Permitted development which is a general planning permission granted from Parliament, rather than by the local planning authority, would equate to exempted development under the Planning and Development Act and Regulations in an Irish context. This report is in two sections; the first looking at proposals from HM Treasury in relation to national productivity, section 2 assessing recent changes to permitted development arising from the Town and Country Planning (General Permitted Development) (England) Order 2015

Section 1 - Proposals from HM Treasury July 2015

In a document entitled *Fixing the Foundations: Creating a more Prosperous Nation (2015)*, presented to the UK Parliament in July, the UK Treasury has identified areas that it believes need to be addressed in order to increase national productivity, including the planning sector.

In relation to planning, the key theme addressed is that of housing delivery and perceived delays inherent in the UK planning system. Areas proposed to be changed include:

- A zonal system for brownfield sites that include automatic permission in principle on such sites included in the existing statutory register of brownfield sites suitable for housing, subject to approval of “a limited number of technical details” (not indicated in the document). It is also indicated that there will be compulsory purchase reforms (within this session of Parliament) to provide “clearer, faster and fairer” system for the delivery of brownfield land through CPO.
- Proposals in London to remove the need for planning permission for upwards extension for a limited number of stories and up to the height of an adjoining building, subject to no objection from neighbouring residents. In the event of objection from neighbours, the application will be considered in the normal way, but this a focus on the impact on the amenity of neighbours.
- Proposals to streamline the length of preparation of local plans
- Strengthening of guidance on the duty for local authorities to cooperate on key housing and planning issues
- Considering how policy can support higher density housing around commuter hubs.

- Addressing delays in decision making (note UK system does not provide for default permission or a statutory timeframe for making decisions, notwithstanding 26 week 'planning guarantee')
- More devolved powers for mayors
- Modifications to Starter Homes and Right to Buy provisions already extant in U.K.
- Restriction on tax relief for landlords in relation to finance costs (in order to, inter alia, "start to shift the balance between landlords and homeowners").

Implications/Transferability to Irish context

The issue of time delay on plans and applications is not particularly relevant to an Irish context having regard to statutory period for decision making and preparation of plans which pertains in Ireland.

The proposal for permitted development for upwards height extensions would have implications for third party rights in Ireland.

The idea of automatic permission in principle on brownfield sites would need careful consideration given brownfield sites in Dublin are largely within existing urban fabric. Nevertheless, the SDZ model, which fast tracks development which accords with the SDZ is working well on 2 major brownfield sites in the city, Grangegorman and Docklands.

There is a potential lack of planning/design oversight on brownfield sites that have permission in principle. e.g. the desire for mixed use developments and urban design and townscape issues if 'permitted development' type rights extend to brownfield sites for purely housing developments.

Careful consideration would need to be given to the planning consequences of the concept of extra height provided neighbours raise no objection as this may not necessarily result in proper sustainable planning. It should be noted that the Dublin City Development Plan allows for replacement buildings of the same number of storeys in order to allow for upgrade of first generation low ceilinged offices/apartments.

Section 2 - Existing Permitted Development Rights

In April 2015 the Town and Country Planning (General Permitted Development) (England) Order 2015 came into force, which is the most significance change to permitted development in England in recent years. Permitted development is subject to certain limitations and conditions. For instance, permitted development may not apply within the curtilage of a listed building (protected structure).

Key examples of development permitted under Schedule 2 of the Order, includes the following:

- A change of use of a building and any land within its curtilage from offices to dwelling house is permitted development up to 30th May 2016.
- Change of use from retail or betting office or pay day loan shop to residential is permitted development with an upper floor limit of 150sqm.
- A change of use from storage or distribution buildings to residential is permitted development with an upper limit of 500sqm of floor space for a three year period (Part 3, Class P).
- Amusement arcades/centres and casinos, which are sui generis uses can change to residential use with an upper floor limit of 150sqm.

- Development consisting of a change of use of a building and any land within its curtilage from shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, business, non-residential institutions and assembly and leisure or a use as a betting office or pay day loan shop, to a flexible use falling within class uses for shops, financial and professional services, restaurants and cafes or business, for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use is permitted development with an upper floor limit of 150sqm (Part 4, Class D).

There are a number of permitted development rights that require prior approval from planning authorities on issues such as noise impacts, transport and highways impacts, siting/design, hours of operation, flooding etc. These are set out under the relevant class conditions and elsewhere in the Order.

Full details of the development permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 can be viewed at:

http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf.

Reaction in England

One in five of around 5,000 applications to convert offices into flats across England under permitted development rights (PDR) were blocked by councils between April 2014 and June 2015. This was by means of the refusal of the 'prior approval' requirements of the permitted development rights indicated above.

The change to permitted development has proved popular with developers who are able to save time and money through having greater certainty around the planning process and not needing to provide affordable housing. This enhances the viability of conversions – which can often be complex and costly on account of the work needed to fix up old buildings.

While many councils welcomed the proposals - which allowed derelict office blocks to be restored for new homes - others ardently opposed the plans. Six London councils lost a legal challenge in December 2013 to overturn PDR. Claims by Islington, Camden, Richmond upon Thames, Lambeth, Sutton and Tower Hamlets councils were dismissed by the High Court.

They had argued that the policy is a free-for-all, with no control over the quality or size of the new flats being built and no requirement for on-site affordable housing. Permitted development rights also reduce the influence of conservation societies and other local groups who want a say in the shape and character of their neighbourhood. For developers, conversions are financially compelling as the buildings can be worth up to three times more as residential in the current UK market. Although profitable for builders, converted blocks with no balconies or gardens are often not suitable for families to live in.

Implications/Transferability to an Irish context

Any changes to exempted development provisions in Ireland would need to be instigated at a national level as it would require changes to the 'Planning and Development Regulations 2001' (as amended).

The potential transfer of some of the permitted development provisions aimed at increasing the supply of residential accommodation would have significant implications for third party appeals.

Other issues which would need to be resolved include in relation to the quality of residential accommodation delivered and the delivery of Part V housing.

Source Information

Briefing Paper Number 00485, 26 August 2015, Permitted Development Rights, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN00485#fullreport>

Briefing Paper Number 01301, 27 May 2015, Planning: Change of use, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01301>

Briefing Paper Number 06418, 30 September 2015, Planning Reform Proposals <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06418#fullreport>

Explanatory memorandum to the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, The Town and Country Planning (Compensation) (England) Regulations 2015 No 598 and the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 No. 597, http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksiem_20150596_en.pdf

Fixing the Foundations: Creating a more Prosperous Nation
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443897/Productivity_Plan_print.pdf

The Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf.

The Town and County Planning (Use Classes) (Amendment) (England) Order 2015 No. 597, http://www.legislation.gov.uk/uksi/2015/597/pdfs/uksi_20150597_en.pdf

Paul Clegg
Executive Manager

Planning & International Relations - SPC

Meeting Schedule for 2015 and 2016

	Date	Venue	Time
SPC	2015 3rd November	Council Chamber	15.30
SPC	2016 23rd February	Council Chamber	15.30
SPC	26th April	Council Chamber	15.30
SPC	28th June	Council Chamber	15.30