

AILG

Association of Irish Local Government

Aontas Rialtas Áitiúil na hÉireann

AILG Elected Member Information Leaflet

The Councillor and the Registration of Lobbying

Leaflet

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An Introduction to Lobbying

One of the central experiences of the councillor's role is being lobbied by individuals or organisations seeking an intervention to bring about a certain outcome from across the full range of council policy areas.

Hardly a day passes without a councillor being approached through all forms of communication – personal contact and remote – by individuals, associations, enterprises or, indeed, professional lobbyists, looking for their case to be brought to the fore.

Since the Registration of Lobbying Act 2015 this activity has been subject to regulation – not to limit the activity in any way but to bring transparency to the process so that the wider public will be aware of who is lobbying, who is being lobbied, and which issues are the subject of the communication.

The 2015 Act designated councillors as being Designated Public Officials meaning that individuals or organisations who lobby them must register the lobbying activity on the official www.lobbying.ie website.

The intention is not to limit lobbying in any way but to bring transparency to such communications.

The councillor does not register the lobbying activity – it is the responsibility of the person carrying out the lobbying who is required to record such activity on the public accessible www.lobbying.ie website.

What is defined as lobbying for the purpose of lobbying registration?

There are a number of straightforward criteria which determine whether the communication is regarded as lobbying for the purpose of the registration.

The criteria are:

1. The lobbyist is communicating directly or indirectly with the “Designated Public Official” - which is a councillor for the purposes of this guidance.
2. The communication concerns what is regarded as a “relevant matter” – a description of a “relevant matter” is set out below.
3. The communication is not specifically exempted – further detail on exemptions below.

What is the definition of a ‘lobbyist’ for the purposes of registration on the lobbying register?

A lobbyist is one of the following:

- An employer with more than 10 employees where the communications are made on the employer's behalf.
- A representative or advocacy body with at least one employee and where the communication is being made by a paid employee or office holder of the body;
- A professional lobbyist who is lobbying on behalf of a client who falls into one of the categories above.

Taking the foregoing categories into account, it means that representations made by individuals, very small enterprises, and associations without professional staff, do not need to be registered. In other words, most “clinic” type representations do not have to be registered for lobbying purposes.

However in the case of approaches to rezone land, all communications must be registered with lobbying.ie whether or not the person lobbying is included in the categories above.

What is a relevant matter for the purpose of lobbying?

- Any lobbying which relates to the development or alteration of a policy or programme operated by the local authority.
- The award of any grant, loan or financial support or any licence or authorisation which is a charge on public funds.
- The development or any amendment to a bye-law intended or made by the local authority.

There is a distinction drawn between the making of policy and the implementation detail of a policy. So technical questions or confirmation of facts already in place are not regarded as lobbying.

What kinds of issues are regarded as being exempted or excepted from registration?

Private matters: Communications by an individual relating to her or his private business about any matter (other than the development or rezoning of land) are exempted. For example, a person making a case regarding their own housing circumstances is not regarded as lobbying.

Factual information: a communication giving or seeking factual information is not regarded as lobbying. Thus, a person asking how much money has been allocated to local enterprise support in the Council’s budget is not lobbying. On the other hand, a lobbyist asking for more money to be allocated to local enterprise support in the council budget is making a lobbying approach.

Communications by a Councillor: a councillor making representations to council officials, or to other councillors, is not lobbying for the purposes of registration.

Is there any form of communication which is exempted?

The legislation embraces communication of all kinds no matter by what means or what level of informality relates to the exchange. The categorisation of communication is very wide for this purpose.

All forms of electronic communication including social media are regarded as lobbying if it fulfils the other criteria. For example, a representative body which sends out a series of tweets aimed at influencing the members of a council to take a particular stance is regarded as lobbying.

It is equally important to note that lobbying also includes casual encounters no matter how informal. So, for example, on the fringes of a function if a representative of an advocacy body approaches a councillor and in the flow of a casual conversation makes a request of the councillor this is still regarded as being a lobbying communication.

In practice the form of communication has no bearing so long as the approach is by an entity regarded as a lobbyist about a relevant matter.

How does lobbying registration become public?

The person or agency carrying out the lobbying enters details of the communication on the publicly available website www.lobbying.ie. Lobbying activity must be registered on a four-monthly basis by those carrying out the lobbying activity.

How does lobbying activity make its way into the press?

The lobbying register is publicly available and a pattern has become established whereby the reporters monitor the returns on the website and generate stories based on the information made available.

It is important for a councillor to be aware that her or his name can appear on the lobbying register even though she or he has not responded to or acknowledged the lobbying communication in any way. For instance, a lobbyist who sends out a broadcast email to a large number of public representatives is required to identify each recipient in the lobbying register.

Indeed, every councillor is already listed on the lobbying website as a potential recipient of lobbying communications.

Indicating your status as a Designated Public Official - for the purpose of lobbying transparency

Councillors can highlight their status as designated public officials by including a line on their paper and email correspondence which states: "Designated Public Official under the Regulation of Lobbying Act, 2015."

Lobbying in relation to rezoning and development matters

There is a strict injunction that all lobbying related to the rezoning of land for development must be registered as lobbying whether or not any of the other criteria in relation to lobbying are fulfilled.

In Conclusion

Lobbying is a practice as old as democracy. It brings many benefits to society: for example, local people or those with specialist knowledge may be part of the lobbying campaign and their expertise can lead to better-informed decisions.

Councillors do not have to register lobbying approaches – it is a matter for the person doing the lobbying to register the lobbying communication on the web-based lobbying register. However councillors need to be aware that when the Register is published, some times many months after the event, it will carry the details long after those involved may have forgotten.

Some councillors choose to use the terminology "Designated Public Official" to highlight their status in relation the Lobbying requirements.