



STATUTORY INSTRUMENTS.

S.I. No. 589 of 2014



LOCAL GOVERNMENT (APPOINTMENT OF CHIEF EXECUTIVE)
REGULATIONS 2014

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I, ALAN KELLY TD, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 4 and 145 (as amended by section 54 of the Local Government Reform Act 2014 (No. 1 of 2014)) of the Local Government Act 2001 (No.37 of 2001) (as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011)), hereby make the following regulations:

Citation

1. These regulations may be cited as the Local Government (Appointment of Chief Executive) Regulations 2014.

Interpretation

2. In these Regulations

“Act of 1926” means the Local Authorities (Officers and Employees) Act 1926 (No. 39 of 1926);

“Act of 2001” means the Local Government Act 2001 (No.37 of 2001);

“information booklet” means the booklet published by the Public Appointments Service for the purpose of the selection process for the appointment of a chief executive;

“recommendation” means a recommendation made under section 6 of the Act of 1926 of a person for appointment as chief executive;

“recommended person” means the person recommended under section 6 of the Act of 1926 for appointment as chief executive.

Consideration of recommendation by corporate policy group

3. (1) Where a recommendation has been received by a county council, city council or city and county council, the corporate policy group for the local authority concerned shall meet within 5 working days of the receipt of the recommendation to consider and establish the views of the group in relation to the proposed appointment.

(2) Subject to paragraphs (3) and (4) and immediately following the meeting referred to in paragraph (1), the Cathaoirleach shall convey in writing the views of the group in relation to the recommendation to the elected council for consideration in accordance with Regulation 4.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd January, 2015.*

(3) The corporate policy group at the meeting referred to in paragraph (1) may decide to seek additional information from the Public Appointments Service in relation to the recommendation.

(4) Any additional information sought by the corporate policy group pursuant to paragraph (3) shall relate only to the matters which have been set out in the information booklet.

(5) Where the corporate policy group decide to seek additional information in accordance with paragraph (3), the group shall meet within 5 working days of the receipt of that information to consider the recommendation afresh including any additional information received and following that consideration, the Cathaoirleach shall proceed in accordance with paragraph (2).

Consideration of recommendation by elected council

4. (1) Within 10 working days of the receipt of the views of the corporate policy group pursuant to Regulation 3 (2), the elected council of the relevant local authority shall meet to consider the recommendation.

(2) For the purpose of paragraph (1), the elected council shall assess-

(a) the information received from the Public Appointments Service in respect of the recommendation,

(b) the views of the corporate policy group conveyed to it in accordance with Regulation 3(2),

(c) any additional information received pursuant to Regulation 3(3)

and the assessment shall have regard to the matters which have been set out in the information booklet.

(3) Following consideration of the recommendation in accordance with paragraphs (1) and (2), the elected council shall decide—

(a) to appoint the recommended person as chief executive,

(b) not to appoint the recommended person as chief executive, or

(c) to seek additional information from the Public Appointments Service in relation to the recommendation.

(4) Where the elected council decide to seek additional information in accordance with paragraph (3)(c), the information sought shall relate only to the matters which have been set out in the information booklet.

(5) For the purposes of seeking additional information in relation to the matters referred to in paragraph (4), the elected council may request a meeting with the recommended person and a senior representative of the Public Appointments Service shall attend any such meeting which shall take place within 10 working days of the request being made.

(6) Where the elected council have received additional information pursuant to paragraphs (4) and (5), they shall meet within 10 working days of the receipt of that information to consider the recommendation afresh and, having regard to that information and the matters referred to in paragraph (2), shall decide—

- (a) to appoint the recommended person as chief executive, or
- (b) not to appoint the recommended person as chief executive.

Decision to appoint

5. Where the elected council decide to appoint the recommended person, the Cathaoirleach shall notify the person of the decision within two working days of the meeting and the notification shall include a copy of the resolution providing for the appointment.

Decision not to appoint

6. Where the elected council decide not to appoint a recommended person, the Cathaoirleach shall notify the person of the decision within two working days of the meeting and the notification shall include the reasons for the decision and a copy of the resolution providing for the decision not to appoint.

Notification of the decision to the Public Appointments Service

7. A copy of the notification sent to the recommended person under Regulation 5 or 6 shall be made available to the Public Appointments Service.

Meetings to take place in private

8. All meetings held by the corporate policy group or by the elected council in accordance with Regulations 3 and 4 for the purpose of the consideration of a recommendation shall take place in the absence of members of the public and representatives of the media.

Records to be maintained and confidentiality

9. Following a decision to appoint or not appoint a chief executive in accordance with these regulations, the local authority concerned shall maintain as confidential all records relating to the decision which have been—

- (a) made available in whatever format by the Public Appointments Service or otherwise,
- (b) created or received in whatever format by the local authority, other than the resolution made by the elected council giving effect to the decision.

Exercise and performance of functions

10. The elected council and the corporate policy group shall execute and perform their functions in relation to the appointment of a chief executive in accordance with—

- (a) the Act of 2001,
- (b) these Regulations, and

- (c) the Code of Practice issued by the Commission for Public Service Appointments under section 23 of the Public Service Management (Recruitment and Appointments) Act 2004 (No. 33 of 2004) and in force at the time of the appointment of the chief executive.



Given under my Official Seal
18 December 2014.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These regulations are made under section 145 of the Local Government Act 2001 (No. 37 of 2001) (as amended by section 54 of the Local Government Reform Act 2014 (No. 1 of 2014)) and set out the procedures governing the appointment of a chief executive of a local authority by a county council, city council or city and county council.

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