

Preventing Political Interference Policy for the Administration of the Administrative Monetary Penalty (AMPs) System

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1 PURPOSE

2.1 Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an AMPs system to have a policy for the prevention of political interference in AMPs. This Policy is intended to address this requirement, to define what constitutes political interference in relation to AMPs, and to ensure that the responsibilities of individuals involved in AMPs are conducted in accordance with the principles of fundamental justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

2 SCOPE

2.1 This Policy applies to all members of Council, Screening Officers, Hearing Officers, Town employees involved in the enforcement and administration of AMPs and to all other Town employees in relation to their interaction with AMPs and members of Council.

The following shall apply in addition to this Policy:

- a) For Town employees involved in the administration of the AMPs program: the Staff Code of Conduct shall also apply in regard to the activities of an employee in the administration

of the AMPs program. In the event of a conflict between the provisions of this Policy and the provisions of the Staff Code of Conduct in relation to AMPs, this Policy shall supersede.

- b) For Hearing Officers: the provisions of any agreement governing the retainer between the Town and a Hearing Officer(s) shall also apply in regard to the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.
- c) For members of Council: The Code of Conduct for Members of Council shall also apply in regard to the activities of members of Council. In the event of conflict between the provisions of this Policy and the provisions of the Code of Conduct for Members of Council in relation to AMPs, this policy shall supersede.

This Policy shall apply in addition to all applicable law (i.e. the Municipal Conflict of Interest Act, etc.). A breach of applicable law relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

3 POLICY STATEMENT

- 3.1 The Town of Bradford West Gwillimbury is committed to ensuring that the Administrative Monetary Penalty System (“AMPs”) system is conducted in a fair and independent manner and preventing political interference in the administration of AMPs.

Communication

- 3.2 This Policy will be posted on the Town’s website.
- 3.3 This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPs enforcement and administration staff.
- 3.4 All current and new Town officials and Staff with the potential for interaction with the AMPs program shall receive training in relation to this Policy.

Principles of Preventing Political Interference

- 3.5 No Person shall attempt, directly or indirectly, to communicate with any Town employee or other person performing duties related to the administration of AMPs for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of AMPs or with any particular Penalty Notice.
- 3.6 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:
 - a) A Person who is entitled to be heard in the proceeding or the Person’s lawyer, licensed paralegal, or authorized representative; and

- b) Only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arises.

This paragraph shall not prohibit the giving or receiving of legal advice.

- 3.7 In addition to this Policy, the Administrative Monetary Penalty By-law sets out a prohibition on attempting to influence a Screening Officer or Hearing Officer and creates an offence for any contravention of the provisions of the Administrative Monetary Penalty By-law. Such penalty is in addition to any action taken pursuant to this Policy.
- 3.8 All individuals involved with the enforcement and administrative functions of AMPs shall carry out such duties in a manner which upholds the integrity of the administration of justice.

Accountability

- 3.9 A Screening Officer or Hearing Officer, Town employee or any other individual performing duties related to AMPs shall report any attempt at influence or interference, financial, political, or otherwise, by any Person, to the Manager of Enforcement as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, employee or other person(s) for making any such report in good faith.
- 3.10 Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to AMPs, is contacted by a member of Council with respect to the administration of AMPs or a specific Penalty Notice, he or she shall immediately disclose such contact to the Manager of Enforcement in order to maintain the integrity of the AMPs system.
- 3.11 Any interference with or attempt to interfere with AMPs by any Person may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action.
- 3.12 Any interference with AMPs or attempt to interfere with AMPs by a member of Council will be addressed pursuant to the Code of Conduct for Members of Council.

Reprisal

- 3.13 No person shall take any Reprisal against a Town employee or other individual performing duties related to the administration of the AMPs because the employee or individual, in good faith:
 - i. Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
 - ii. Has made a disclosure about wrongdoing contrary to this policy in good faith;
 - iii. Has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;
 - iv. Has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing contrary to this policy, or is required to do so;
 - v. Has alleged or reported a Reprisal; or
 - vi. Is suspected or any of the above actions.

- 3.14 The identity of employees or other individuals performing duties related to the administration of AMPs involved in an investigation, including the identity of an individual alleging political influence contrary to this policy, will be protected to the fullest extent possible.
- 3.15 If an employee believes that he or she has suffered Reprisal, this should be reported immediately to the Manager of Enforcement, or where appropriate, to the Director.

4 RESPONSIBILITY

Compliance, monitoring and review

- 4.1 The Enforcement Division shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.

Reporting

- 4.2 No additional reporting is required.

Records management

- 4.3 Staff must maintain all records relevant to administering this policy in a recognized Town recordkeeping system in accordance with the Town Records Management policies and procedures.

5 DEFINITIONS

“Administrative Penalty” means an administrative penalty established by the Administrative Monetary Penalty By-law for a contravention of a Designated By-law, as defined therein;

“Administrative Monetary Penalty By-law” means the By-law passed by the Town to establish administrative penalties (“AMPs”), as amended from time to time, or any successor thereof;

“AMPs” means the Administrative Monetary Penalty system, established pursuant to the Town’s Administrative Penalty By-law;

“Clerk” means the Town Clerk, or anyone designated by the Clerk to perform his or her duties relating to AMPs;

“Code of Conduct for Members of Council” means the policy adopted by the Town to govern Council conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

“Council” means the Council of the Town;

“Director” means the Director of Corporate Services, or anyone designated by the Director to perform his or her duties related to AMPs;

“Hearing Officer” means any person appointed pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Monetary Penalty By-law;

“Hearing Review” means the process related to review of a Screening Decision, as set out in section 6 of the Administrative Monetary Penalty By-law;

“Joint Panel” means a joint panel as set out herein, established to provide advice and recommendations to Council pursuant to the Screening and Hearing Officer By-law, regarding the appointment of Hearing Officers;

“Manager of Enforcement” means the Enforcement Division leader, or anyone designated by the Manger of Enforcement to perform his or her duties relating to AMPs

“Parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family, whether or not that person is the natural parent of the child;

“Penalty Notice” means a penalty notice as described in section 2.2 of the Administrative Monetary Penalty By-law;

“Person” includes an individual or a corporation;

“Power of Decision” means a power or right, conferred by or under the Administrative Monetary Penalty By-law, to make a decision about or prescribing the legal rights, powers, privileges, immunities, duties or liability of any Person;

“Reprisal” means any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperating in an investigation into an alleged wrongdoing, and includes but is not limited to:

- a) Disciplinary measures;
- b) Demotion of the employee or individual;
- c) Termination of the employee or individual;
- d) Intimidation or harassment of the employee or individual;
- e) Any measure that adversely affects the employment or working conditions of the employee or individual; and
- f) Directing or counselling someone to commit a reprisal;

“Screening and Hearing Officer By-law” means the By-law passed by the Town to establish the positions of Screening and Hearing Officers and to provide for the appointment of Screening and Hearing Officers, in relation to administrative penalties, as amended from time to time, or any successor thereof;

“Screening Officer” means any person appointed pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Monetary Penalty By-law;

“Screening Review” means the process related to the review of a Penalty Notice, as set out in section 5 of the Administrative Monetary Penalty By-law;

“**Staff Code of Conduct**” means any policy adopted by the Town to govern employee conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof; and

“**Town**” means The Corporation of the Town of Bradford West Gwillimbury.

6 RELATED DOCUMENTS AND LEGISLATION

- AMPs Financial Management Policy
- AMPs Political Interference Policy
- AMPs Public Complaints Policy
- AMPs Screening and Hearing Officer Policy
- AMPs Undue Hardship Policy
- Statutory Powers and Procedures Act (Ontario)
- Administrative Monetary Penalties By-law (Bradford West Gwillimbury)
- Appointing Screening and Hearing Officers By-law (Bradford West Gwillimbury)
- By-law 2022-73 – Amendment to Traffic By-law (Bradford West Gwillimbury)

7 FEEDBACK

7.1 Feedback about this document may be provided by emailing the Manager of Enforcement.

8 APPROVAL AND REVIEW DETAILS

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