


Preventing Political Interference in Relation to the Administration of the Administrative Monetary Penalty System (AMPS and ASE)

Revision Date:	N/A	Supersedes:	N/A
Effective:	May 8, 2024	AP Owner (Dept/Div):	Commissioner, Corporate Services
Applicable to:	Council, Hearing and Screening Officers, All Town Employees involved in the enforcement or administration of AMPS or their interaction with AMPS	Authority:	CAO 

1.0 Overview

Ontario Regulation 333/07 made under the *Municipal Act, 2001*, S.O. 2001, c. 25 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) 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 Automated Speed Enforcement (ASE), and to ensure that the responsibilities of individuals involved in AMPS and ASE 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.

The Town of Whitchurch-Stouffville is committed to ensuring that the AMPS and ASE programs are administered in a fair and independent manner and prevent political interference.

The Town of Whitchurch-Stouffville recognizes that Stouffville Employees, Members of Adjudicative Boards, and Members of Council are expected to conduct themselves with personal integrity, honesty, and diligence in the performance of their duties. This policy builds upon this recognition by addressing political interference in the administration of the Town’s AMPS and ASE programs for By-law and related offences.

2.0 Purpose

Ontario Regulation 333/07 requires the Town to define what constitutes political interference in relation to AMPS and ASE, to prevent such political interference and to redress such interference should they occur. This policy serves to address these matters with respect to the Town’s AMPS and ASE Programs.

This policy sets out the requirements of Screening Officers, Hearing Officers, and Town officials and Employees in order to prevent real and perceived political interference. Failure to comply with this policy and other applicable Town Policies could undermine the public faith in the administration of the AMPS and ASE programs.

3.0 Scope and Application

This policy applies to:

- Screening Officers,
- Hearing Officers, and
- Town officials and Town Employees involved in the administration of AMPS and ASE.

For Town Employees (including Screening Officers) engaged in the administration of AMPS and ASE, this political interference policy, shall apply in regard to the activities of that Town Employee in the administration of AMPS and ASE.

For Hearing Officers, these political interference provisions shall apply to Hearing Officers under this policy as if they were Town Employees with any necessary modifications.

For Members of Council, provisions in the Council Code of Conduct and prevailing Provincial legislation and any successor policies, shall also apply in the administration of AMPS and ASE.

Regarding the selection of Hearing Officers, these political interference provisions, and any successor policy, shall also apply in the administration of AMPS and ASE.

4.0 Definitions

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

“AMPS” means the Administrative Monetary Penalty System, established by the Administrative Monetary Penalty System By-law;

“ASE” means Automated Speed Enforcement;

“Commissioner” means the Commissioner, Corporate Services, or anyone designated by the Commissioner, Corporate Services to perform his or her duties relating to AMPS and ASE;

“Council” means the Council of the Town;

“Council Code of Conduct” means the Code of Conduct for Members of Council, adopted by the Town to govern the conduct of Members of Council, as amended from time to time, or any successor thereof;

“Employee” means any Person employed by the Town on a temporary, contract or permanent basis;

“Hearing Officer” means any Person appointed by the Town from time to time 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 System By-law;

“Penalty Notice” means a Penalty Notice as described in Section 4.0 of the Administrative Monetary Penalty System By-law;

“Person” includes an individual or a corporation;

“Reprisal” means any measure taken or threatened against a Screening Officer, Hearing Officer, Employee, or any other individual as a direct result of disclosing, initiating, cooperating in or suspicion of same in an investigation into an alleged wrongdoing as a direct result of their performance of duties related to the administration of AMPS and ASE, and includes but is not limited to:

1. Disciplinary measures;
2. Demotion of the Employee or individual;
3. Termination of the Employee or individual;
4. Intimidation or harassment of the Employee or individual;
5. Any measure that adversely affects the employment or working conditions of the Employee or individual; and
6. 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 by the Town from time to time 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 System By-law;

“Town” means The Corporation of the Town of Whitchurch-Stouffville.

5.0 Policy

5.1 Principles of Preventing Political Interference, Accountability and Reprisal

- (a) No Person shall attempt, directly or indirectly, to communicate with any Town Employee or other Person performing duties related to the administration of AMPS and ASE for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of AMPS and ASE or with any particular Penalty Notice;
- (b) 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 an authority of a decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:
 - 1. A Person who is entitled to be heard in the proceeding or the Person’s lawyer, licensed paralegal or authorized representative; and
 - 2. Only by that Person or the Person’s lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.

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

In addition to this policy, the Administrative Monetary Penalty System 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 By-law. Such penalty is in addition to any action taken pursuant to this policy.

- (c) All individuals involved with the enforcement and administrative functions of AMPS and ASE shall carry out such duties in a manner which upholds the integrity of the administration of justice.

5.2 Implementation

All Members of Council shall be provided with a copy of this policy. This policy shall form part of the orientation for all Members of Council at the start of a new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the AMPS program. This policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and AMPS administration staff.

5.3 Accountability

- (a) A Screening Officer or Hearing Officer, Town Employee or any other individual performing duties related to AMPS and ASE shall report any attempt at influence or interference, financial, political or otherwise, by any Person, to the Commissioner 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.
- (b) Where any Employee, Screening Officer, Hearing Officer or other Person performing duties related to AMPS and ASE is contacted by a Member of Council or Town official with respect to the administration of AMPS or a specific Penalty Notice, he or she shall immediately disclose such contact to the Commissioner in order to maintain the integrity of AMPS and ASE.
- (c) Where any employee, Screening Officer, Hearing Officer or other person performing duties related to AMPS, is contacted by a Member of Council or Town official with respect to the administration of AMPS, he or she shall immediately disclose such contact to the Commissioner in order to maintain the integrity of AMPS;
- (d) Any interference, or attempt to interfere, with AMPS and ASE 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; and
- (e) Any interference with AMPS and ASE or attempt to interfere with AMPS, by a Member of Council, will be addressed pursuant to the Council Code of Conduct.

The Commissioner is responsible for the administration of this policy and has the authority to amend the policy from time to time to ensure the administration of the AMPS program.

5.4 Reprisal

No Person shall take any Reprisal against a Town Employee or other individual performing duties related to the administration of the AMPS and ASE Programs because the Employee or individual, in good faith:

1. Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
2. Has made a disclosure about wrongdoing contrary to this policy in good faith;
3. Has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;

4. 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;
5. Has alleged or reported a Reprisal; or
6. Is suspected of any of the above actions.

The identity of Employees or other individuals performing duties related to the administration of AMPS and ASE 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.

If an Employee believes they have suffered Reprisal, this should be reported immediately to the Commissioner.

All Screening Officers, Hearing Officers, Town officials and Town Employees involved in the administration of the AMPS and ASE programs shall comply with this policy.

6.0 References

- Administrative Monetary Penalty System By-law
- Administrative Procedure No. 60 - Employee Code of Conduct
- Code of Conduct for Members of Council
- *Municipal Act, 2001*, S.O. 2001, c.25
- O. Reg. 333/07
- Screening and Hearing Officer By-law

Available in alternative format upon request.