

SECTION: Council and Administrative Services	POLICY: AMPS – Policy - 02	
SUBJECT: Prevention of Political Interference in the Administrative Monetary Penalty System		
EFFECTIVE: June 2, 2014	REPLACES:	PAGE: 1
APPROVED BY: Peter Fay, City Clerk	PROCEDURAL UPDATES:	

POLICY STATEMENT:

This policy is to prevent political interference in the administration of the Administrative Monetary Penalty System (AMPS).

PURPOSE:

To prevent political interference of any kind in the administration of the AMPS program, and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

This policy defines what constitutes political interference in relation to the AMPS program, to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality and integrity, without any political interference.

SCOPE:

This policy applies to all elected Members of the Council of the Corporation of the City of Brampton, as well as other City of Brampton officials and staff.

In regard to Members of Brampton City Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., Municipal Conflict of Interest Act) and the Mayor and Member of Council Code of Conduct, including its related policies, procedures and guidelines.

PROCEDURE:

Principles of Preventing Political Interference

- No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with employees or other persons performing duties related to the administration of AMPS.
- No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.
- All persons involved with the enforcement and administration functions of the AMPS program shall endeavor to carry out such duties in a manner, which upholds the integrity of the administration of justice

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- If someone attempts to influence a Screening Officer, Hearing Officer or City employee engaged in the administration of the AMPS program, contrary to the rules above, the Screening Officer, Hearing Officer or City employee, as the case may be, shall report the incident to the City Clerk as soon as possible. No action will be taken against a Screening Officer or Hearing Officer for making any such report in good faith.

Procedures may be defined by the City Clerk to address specific implementation of this policy.

Implementation

- All Members of Council shall be provided with a copy of this policy and the policy shall form part of the Mayor and Member of Council Code of Conduct
- This policy shall form part of the orientation for all Members of Council at the start of 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 and Hearing Officers and AMPS administration staff

ACCOUNTABILITY

- Attention is brought to the fact that any interference with the AMPS program may result in charges under the Criminal Code of Canada, Provincial statute or other disciplinary action
- A Screening or Hearing Officer, employee or other person performing duties related to the AMPS program under this policy shall report any attempt at political influence or interference, financial, political or otherwise, to the City Clerk. No action shall be taken against the employee or other person(s) for making any such report in good faith.
- Where any employee, Screening Officer, Hearing Officer or other person performing duties related to the AMPS program, is contacted by a Member of Council or City official with respect to the administration of the AMPS program, he or she shall immediately disclose such contact to the City Clerk in order to maintain the integrity of the AMPS program
- A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the City Clerk

ADMINISTRATION:

This policy shall be administered by the City Clerk's Office, Corporate Services

REFERENCE AUTHORITIES:

Municipal Act, 2001

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Ontario Regulation 333/07 (Administrative Penalties)
City of Brampton By-law 333-2013
City of Brampton By-law 334-2013

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