



POLICY

POLICY TITLE: Administrative Monetary Penalty – Conflict of Interest

POLICY NUMBER: PLCY-2022-0004

DATE: June13, 2022

Policy Statement

The Town of Halton Hills has implemented an Administrative Monetary Penalty System (AMPS) for the administration of various parking by-laws in effect in the Town.

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of the municipality's parking by-law, the penalty becomes a balance due to the municipality.

Any member of the public may file a complaint regarding the administration of the system.

Purpose

The purpose of this document is to provide a standardized guideline to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to rectify such conflicts should they occur.

In accordance with Ontario Regulation 333/07, this policy is to establish conflict of interest guidelines to ensure that the AMPS program administration and responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.

Application

This policy applies to the person(s) appointed by the Town of Halton Hills into the role as Screening Officers, Hearing Officers, and all Town officials and any employee involved in the administration of AMPS.

Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Town staff involved in the administration of the AMPS program has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the AMPS program. A conflict of interest could arise in relation to personal or business matters including:

- directorships or other employment;
- interests in business enterprises or professional practices;
- share ownership or beneficial interests in trust;
- existing professional or personal associations with an owner;
- professional associations or relationships with other organizations; and
- personal associations with other groups or organizations, or family relationships including relatives.

Screening Officers and Hearing Officers have an obligation to conduct screening reviews and hearing reviews in an impartial manner at all times. Hearing Officers, in accordance with a hearing review, are bound by the *Statutory Powers and Procedures Act*, as well as bound by general administrative common law principles (ie. procedural fairness, natural justice, impartial and unbiased decision making, legitimate expectation, etc.). It would be inappropriate for a Hearing Officer to review a screening decision for a personal or business acquaintance or relative. A conflict of interest includes an actual conflict and a potential conflict.

Every Screening Officer, Hearing Officer and Town employee involved in the administration of AMPS, must disclose to the Manager of Enforcement Services any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the AMPS program. Additionally, a Screening Officer or Hearing Officer shall not represent any Person at a screening review or hearing review.

Conduct of Screening and Hearing Officers

All Screening Officers and Hearing Officers shall conduct themselves in the following manner:

- both be and appear to be independent, impartial, and unbiased.
- avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain advice with respect to such conflicts when they arise.
- shall not be influenced by partisan interests, public opinion, or by fear of criticism.
- shall not use their title and position to promote their own interests or the interests of others.
- shall discharge their duties in accordance with the law, Town by-laws and AMPS policy, procedures and guidelines.

- shall maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues with the Town, as required.
- shall remain up to date on changes in the law with respect to Town by-laws, policy and procedures relevant to their function.
- are subject to ongoing public scrutiny and therefore they must respect and comply with the law and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the AMPS program.
- Shall approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the integrity of the AMPS system and their appointment.
- Shall convey in plain language their decisions and the reasons therefore where such are required.
- must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- In discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those Persons.
- with administration of natural justice paramount
- shall refrain from openly and publicly criticizing the administration of the AMPS program or the conduct of others. Any criticisms, suggestions, or concerns related to the AMPS program should be communicated only the Director of Legal & Legislative Services
- Shall deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- must not knowingly exercise a power or function for which they have not been designated.

Preventing Conflict of Interest

The keys to preventing conflicts of interest are: identification, disclosure and withdrawal from the power of decision in regards to a Screening Review or Hearing Review.

The need for identification, disclosure and withdrawal from a power of decision that applies to any real or perceived conflict of interest.

Disclosure

If a Screening Officer or Hearing Officer becomes aware of any real, perceived or potential conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Hearing Officer shall notify the Manager of Enforcement Services of the conflict of interest and;

- in the case of a scheduled review of a Penalty Notice or a Screening Decision that has not yet commenced, can request another Screening Officer or Hearing Officer to conduct the review to avoid actual, potential or perceived conflicts of interest.

- In the case of a review of Penalty Notice or Screening Decision that has commenced, adjourn the review and withdraw from the power of decision and advise the Manager of Enforcement Services or designate. The Town will reschedule the Screening Review or Hearing Review with another Screening Officer or Hearing Officer to handle the matter that is subject to the conflict of interest

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for a parking infraction in a timely manner.