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**EMERGENCY AND PROTECTIVE SERVICES DEPARTMENT**

APS policy on Political Interference

**POLICY**

**#APS-2024-01**

**ENFORCEMENT SERVICES DIVISION**

Effective Date: September 16, 2024

Revision Date:

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**GENERAL DESCRIPTION**

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

**PURPOSE**

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

This policy defines what constitutes political interference in relation to the APS 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.

**APPLICATION**

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

Regarding Members of County Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., Municipal Conflict of Interest Act) and the 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 APS.

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 APS program shall endeavor to carry out such duties in a manner which upholds the integrity of the administration of justice.

If someone attempts to influence a Screening Officer, Hearing Officer or County employee engaged in the administration of the APS program, contrary to the rules above, the Screening Officer, Hearing Officer or County employee shall report the incident to the Director of Enforcement and Regulatory Services 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 Director of Enforcement and Regulatory Services to address specific implementation of this policy.

#### 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 new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the APS program.

This policy shall form part of the orientation for all current and new Screening and Hearing Officers and APS administration staff.

#### ACCOUNTABILITY

Attention is brought to the fact that any interference with the APS 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 APS program under this policy shall report any attempt at political influence or interference, financial, political, or otherwise, to the Director of Enforcement and Regulatory Services. 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 APS program, is contacted by a Member of

Council or County official with respect to the administration of the APS program, he or she shall immediately disclose such contact to the Solicitor & Corporate Counsel and Chief Administrative Officer in order to maintain the integrity of the APS program.

A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the Director of Enforcement and Regulatory Services who will notify the Chief Administrative Officer.

### **REFERENCES AND RELATED POLICIES**

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Applicable County policies and procedures

### **CONSEQUENCES OF NON-COMPLIANCE**

In accordance with the Municipal Act.

### **REVIEW CYCLE**

In conjunction with the review of the Administrative Penalty System By-law.