

Conflict of Interest in Council

Location: Prince Edward Island

Topic(s): Council Ethics

Please describe the situation.

A development permit application was submitted to the Town. It involved re-purposing a home into a daycare. Our bylaw was silent on this type of development in the zoning of the area (residential multi-family) but we already had three daycares in more restrictive zoning areas. One of the Planning Board members lived next door to the house to be repurposed and was not in favour of having the development next to them. The Chair of the Planning Board, a council member, was good friends with the Planning Board member who was against the development.

What was the current political environment? What factors led to the situation? What were the events that unfolded in this particular scenario?

Although advised by staff that there was a definite conflict of interest, due mostly to the friendship of the Chair and member, the member was allowed to attend the meeting and sit in on the discussion surrounding the application. The member was asked not to vote on the matter, but their presence in the room and obvious disapproval of the development led to the Planning Board making a recommendation against the application, which in turn was accepted by the Council on the grounds that "it was not listed as an allowable use in that zone."

How did you respond to or address the situation?

As Development Officer and CAO, I was in a difficult spot. I wanted to back Council, but I knew that we didn't have a legal leg to stand on. There was an obvious conflict of interest, and that was exacerbated by the fact that the Planning Board member sat in on the discussion about the application. The argument was put forward by the Chair that "the member didn't vote, therefore they didn't impact the outcome", but I was not confident the argument would hold water more than the one stating that "the use was not listed as allowable in the zone." We had three similar uses in more restrictive zones which also did not list them as an allowable use. I told Council that there was little chance of winning an appeal.

What lessons did you learn from this scenario?

Always be mindful of a conflict of interest and understand that the perception of a decision (in this case, that Council was against youth or facilities for youth) can create more issues than the reality. The reality was, there was a conflict and the excuse for not approving the application was not clearly stated.

What advice would you give to someone going through a similar situation?

Every decision will influence every other decision. You can't defend allowing something in a more restrictive zone and then try to limit it because someone objects to it. Also, always be aware of conflict or perceived conflict of interest. Public perception will usually assume the worst if it can be shown that a decision is questionable, so try not to make any decisions questionable.