

- 4.24 In the “before” phase, all relevant facts and other considerations should be taken into account, and all significant points of view should be aired. The aim is to enable the Council to make itself aware of, and then to have regard to, the views of all its communities in relation to a particular decision<sup>9</sup>, while also meeting all its statutory obligations in respect of consultation<sup>10</sup>.
- 4.25 In particular, a “before” phase communication should:
- avoid the appearance and reality of bias or pre-determination – especially when summarising facts or arguments;
  - present the issues in an objective manner, avoiding subjective opinion or comment; and
  - mention both the advantages and the disadvantages of particular options.
- 4.26 Mention of individual Members’ or political parties’ positions should always be avoided.
- 4.27 In the “after” phase, the emphasis should be on what has been decided and its implications for the Council and its communities.
- 4.28 This principle applies whether the purpose of the communication is to satisfy LGA requirements, or otherwise.

***Principle 8 –***

**If engaging in public debate with an interest group or a section of the community, a Council should use the news media (rather than a Council funded publication) and designated spokespersons (rather than professional communications advisers) unless there is a particular justification for not doing so.**

- 4.29 A Council may be justified in responding to publicity that is unfair, unbalanced, or inaccurate. The object should be to put the record straight, including a measure of rebuttal.
- 4.30 But it is important to keep a balance and perspective. Council resources should not be used merely to engage in a public argument.
- 4.31 The preferred approach in such cases should be to make use of the news media, through release and publication of a written statement or making an authorised spokesperson available for interview. Use of Council-funded publications or professional advisers to engage in debate with interest groups could create the perception that Council resources are being used for the benefit of one section of the community against another, or in a way that results in an unequal public relations contest.

<sup>9</sup> LGA, sections 14(1)(b) and 78.

<sup>10</sup> LGA, sections 82-90.

- 4.32 An example of where a Council-funded publication to engage with an interest group could be justified is when the group has issued public statements encouraging citizens to commit acts of civil disobedience or to actively break the law.

## Communications by Members

### *Principle 9 –*

**If the Council's Communications Policy permits them, communications by Members of their personal perspective, views or opinions (as opposed to communication of Council matters in an official capacity) should:**

- **be clearly identified as such; and**
- **be confined to matters that are relevant to the role of local authorities<sup>11</sup>.**

- 4.33 Members are collectively responsible for Council decisions. Communication of Council business to the community often falls to a designated spokesperson. See Principle 4 and paragraphs 4.13-4.15 on page 16.
- 4.34 But Members are also individually responsible to the communities that elected them. It is for the Council to decide whether and, if so, on what terms to make resources available to Members to communicate with constituents or the wider community in their capacity as individual Members.
- 4.35 An example of a communication that could involve a Member expressing personal views is a "Members' column" in a Council-funded newspaper or on a Council web site.
- 4.36 It is important that the Communications Policy, and the relevant part of the communications budget, also sets out clearly the limits in relation to such communications. The policy should say:
- What types of communications are permitted and in what circumstances, and the range of permitted subject matter.
  - Whether the material can or should be subject to editing and, if so, by whom.
  - What procedures apply in respect of authorisation, attribution, and editorial and quality control. These are for the Council to determine. However, whether or not material is edited, the Member must formally subscribe to what is being published.

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<sup>11</sup> Under sections 10 and 11 of the LGA – see footnotes 5 (page 14) and 8 (page 15).

- 4.37 Note, however, that a Member's freedom to talk about Council business is subject to confidentiality requirements (such as under Standing Orders) and the Council's Code of Conduct – especially as regards Members' conduct towards each other and their disclosure of Council information.<sup>12</sup>
- 4.38 Here are our views on some other examples of a Member communicating personally:
- It is not appropriate for a Member to use a Council newsletter or web site to express views on a matter of central government responsibility (such as defence and foreign relations) that has no direct bearing on the Council's activities.
  - It may be appropriate (but only when the Council is undertaking no formal consultation process) for a Member to use Council facilities to consult with the public on an issue under consideration by the Council, or to explain his or her position on a contentious decision, but not to seek political support on an issue that the Council has not considered. References to, or the use of a logo or slogan of, a political party or grouping are unacceptable.
  - Members should not be permitted to use Council communications facilities for political or re-election purposes. (See Principles 12 and 13 on pages 22-24 for more information on communications in the pre-election period.)
  - Staff protocols on the use of the Internet, e-mail, and other communications facilities for personal purposes should also apply to Members. The minimal cost of allowing use of such facilities can easily be outweighed by the perception that public resources are being misused.

***Principle 10 –***  
**Politically motivated criticism of another Member is unacceptable in any Council-funded communication by a Member.**

- 4.39 Neither the inherently adversarial nature of much Council politics nor the right of free speech can justify Council communications resources being used to enable one Member to engage in political debate with, or to criticise, another Member. Preventing such misuse should be an objective of the Council's policy on where editorial control and the power to authorise communications should lie.
- 4.40 Members are, of course, free to use their own resources for such purposes.

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<sup>12</sup> LGA, Schedule 7, clause 15.

## Members' personal profile

### *Principle 11 –*

**Care should be exercised in the use of Council resources for communications that are presented in such a way that they raise, or could have the effect of raising, a Member's personal profile in the community (or a section of the community). In permitting the use of its resources for such communications, the Council should consider equitable treatment among all Members.**

- 4.41 Two related objectives underlie this principle:
- It is important that the public know who their Councillors are. Councils are justified in using, or in some circumstances permitting Members to use, Council facilities for communications that have the objective of raising a Member's personal profile.
  - Giving a "human face" to a piece of information can be an effective communications strategy to attract attention and make the information relevant and understandable to its audience.
- 4.42 It is acceptable for Councils to use photographs of Members, personal quotes/attributions, and other standard journalistic techniques provided they are consistent with these objectives. However, Councils need to bear in mind the inherent risks of favouritism and unequal treatment of members.
- 4.43 For example, a "photo opportunity" shot, in a Council-funded publication, of a Mayor or Committee Chairperson announcing a Council decision helps to draw the reader's attention to the decision, and thereby improve the effectiveness of its communication, but could also have an unintended and beneficial spin-off effect for the Member's personal or political profile in the community.
- 4.44 Allowing Members representing a particular Ward to issue their own newsletter to constituents could have a similar effect. There is nothing wrong with such an idea in principle. However, the principle of equitable treatment makes it important that the same communications opportunity is available to Members representing other Wards. Matters such as editorial and quality control and attribution should also rest with the Council's communications staff in accordance with Council policy.

## Communications in a pre-election period<sup>13</sup>

### ***Principle 12 –***

**A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. Therefore, the use of Council resources for re-election purposes is unacceptable and possibly unlawful.**

- 4.45 Promoting the re-election prospects of a sitting Member, directly or indirectly, wittingly or unwittingly, is not part of the proper role of a local authority.
- 4.46 A Council would be directly promoting a Member's re-election prospects if it allowed the member to use Council communications facilities (such as stationery, postage, internet, e-mail, or telephones) explicitly for campaign purposes.
- 4.47 Other uses of Council communications facilities during a pre-election period may also be unacceptable. For example, allowing Members access to Council resources to communicate with constituents, even in their official capacities as members, could create a perception that the Council is helping sitting Members to promote their re-election prospects over other candidates.
- 4.48 For this reason, we recommend that mass communications facilities such as –
- Council-funded newsletters to constituents; and
  - Mayoral or Members' columns in Council publications –
- be suspended during a pre-election period.
- 4.49 Promoting the re-election prospects of a sitting Member could also raise issues under the Local Electoral Act 2001. For example:
- Local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act – see Appendix 1 on page 27. The principles apply to any decision made by a Council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an “irregularity” which could result in an election result being overturned.<sup>14</sup>

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<sup>13</sup> By “pre-election period” we mean the three months before the close of polling day for the purposes of calculating “electoral expenses”: see Local Electoral Act 2001, section 104. However, a Council may decide to apply restrictions over a longer period.

<sup>14</sup> See *Aukuso v Hutt City Council* (District Court, Lower Hutt, MA 88/03, 17 December 2003).

- The publication, issue, or distribution of information, and the use of electronic communications (including web site and e-mail communication), by a candidate are “electoral activities” to which the rules concerning disclosure of electoral expenses apply.

4.50 “Electoral expenses”<sup>15</sup> include:

- the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and
- the cost of any printing or postage in respect of any electoral activity.

4.51 A Member’s use of Council resources for electoral purposes could therefore be an “electoral expense” which the Member would have to declare – unless it could be shown that the communication also related to Council business and was made in the candidate’s capacity as a Member.

***Principle 13 –***

**A Council’s communications policy should also recognise the risk that communications by or about Members, in their capacities as spokespersons for Council, during a pre-election period could result in the Member achieving electoral advantage at ratepayers’ expense. The chief executive officer (or his or her delegate) should actively manage the risk in accordance with the relevant electoral law.**

4.52 Curtailing all Council communications during a pre-election period is neither practicable nor (as far as mandatory communications, such as those required under the LGA, are concerned) possible. Routine Council business must continue. In particular:

- Some Councils publish their annual reports during the months leading up to an October election, which would include information (including photographs) about sitting Members.
- Council leaders and spokespersons need to continue to communicate matters of Council business to the public.

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<sup>15</sup> Also defined in section 104.

4.53 However, care must be taken to avoid the perception, and the consequent risk of electoral irregularity, referred to in the commentary to principle 12. Two examples are:

- journalistic use of photographic material or information (see paragraph 4.42 on page 21) that may raise the profile of a Member in the electorate should be discontinued during the pre-election period; and
- access to Council resources for Members to issue media releases, in their capacities as official spokespersons, should be limited to what is strictly necessary to communicate Council business.

4.54 Even if the Council's Communications Policy does not vest the power to authorise Council communications solely in management at normal times, it should do so exclusively during the pre-election period.

## 5 Other Commonly Arising Issues

### Use of surveys and market research

- 5.1 Councils should target their communications resources to best effect. In appropriate cases, professional advice should be sought, and soundly obtained survey and market research information may be used.
- 5.2 Councils should meet acceptable standards in survey and market research information. To assist Councils to meet those standards:
- we reproduce in Appendix 2 on page 28 the ten principles identified by Statistics New Zealand underpinning its *Protocols for Official Statistics*; and
  - they can find useful guidance in the Statistics New Zealand publication *A Guide to good survey design*<sup>16</sup>.

### Joint ventures and sponsorship

- 5.3 Many Councils seek to be involved with their communities, and may engage in collaborative ventures with other public agencies and business and community groups.<sup>17</sup> Communication (for example, to promote public education or changes in people's behaviour) may be a feature of such ventures.
- 5.4 There is no reason in principle why a Council should not join with another agency or group to publish information for the benefit of the community -- provided the activity is consistent with the Council's role and purpose. The use of private or community sponsorship for a Council communication may be a feature of such co-operation.
- 5.5 Examples of joint communication could include:
- a joint venture with the Police to issue information about individual and community safety in the Council's district; and
  - the use of business sponsorship for a Council advertisement of a community event.

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<sup>16</sup> ISBN 0-477-06492-2; revised July 1995. Copies can be ordered through the Statistics New Zealand web site at:  
[www.stats.govt.nz/domino/external/web/prod\\_serv.nsf/htmldocs/A+Guide+to+Good+Survey+Design+\(2nd+edition\)](http://www.stats.govt.nz/domino/external/web/prod_serv.nsf/htmldocs/A+Guide+to+Good+Survey+Design+(2nd+edition))

<sup>17</sup> Section 14(1)(e), LGA.

5.6 The Council's Communications Policy should, if the Council wishes to involve a partner, address:

- the types of communications for which joint ventures or sponsorship are appropriate; and
- the controls and procedures designed to manage the associated risks – such as perception of Council “capture” by a business or community group, actual or potential conflict of interest, and community attitude to the nature of the problem.

5.7 As a minimum, the Communications Policy should:

- require all mandatory communications to be funded solely by Council;
- require every communication joint venture or sponsorship proposal to be supported by a sound business case that is approved at an appropriate level within the Council organisation;
- set out the criteria for selecting a communication joint venture partner or sponsor, in order to avoid conflict of interest and prevent a partner or sponsor from gaining (or being perceived to gain) inappropriate commercial or political advantage;
- require both the Council and the joint venture partner or sponsor to adhere to the principles (including those in respect of editorial control) that it has adopted in the Communications Policy; and
- contain clear guidance as to the placement of logos, slogans, and other sponsorship references.

## Appendix 1

# Principles of the Local Electoral Act 2001

### 4 Principles

- (1) The principles that this Act is designed to implement are the following:
  - (a) fair and effective representation for individuals and communities:
  - (b) all qualified persons have a reasonable and equal opportunity to:
    - (i) cast an informed vote:
    - (ii) nominate 1 or more candidates:
    - (iii) accept nomination as a candidate:
  - (c) public confidence in, and public understanding of, local electoral processes through:
    - (i) the provision of a regular election cycle:
    - (ii) the provision of elections that are managed independently from the elected body:
    - (iii) protection of the freedom of choice of voters and the secrecy of the vote:
    - (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:
    - (v) the provision of impartial mechanisms for resolving disputed elections and polls.
- (2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.
- (3) This section does not override any other provision in this Act or any other enactment.

## Appendix 2

# Statistics New Zealand Principles Applicable to the Production of Official Statistics

- 1 The need for a survey must be justified and outweigh the costs and respondent load for collecting the data.
- 2 A clear set of survey objectives and associated quality standards should be developed, along with a plan for conducting the many stages of a survey to a timetable, budget and quality standards.
- 3 Legislative obligations governing the collection of data, confidentiality, privacy and its release must be followed.
- 4 Sound statistical methodology should underpin the design of a survey.
- 5 Standard frameworks, questions and classifications should be used to allow integration of the data with data from other sources and to minimise development costs.
- 6 Forms should be designed so that they are easy for respondents to complete accurately and are efficient to process.
- 7 The reporting load on respondents should be kept to the minimum practicable.
- 8 In analysing and reporting the results of a collection, objectivity and professionalism must be maintained and the data impartially presented in ways which are easy to understand.
- 9 The main results of a collection should be easily accessible and equal opportunity of access is enjoyed by all users.
- 10 Be open about methods used; documentation of methods and quality measures should be easily available to users to allow them to determine if the data is fit for their use.

A full copy of *Protocols for Official Statistics* can be obtained by contacting Statistics New Zealand through its web site [www.stats.govt.nz](http://www.stats.govt.nz).



Waitakere City Council  
*Te Taiāo o Waitakere*



## **WAITAKERE CITY**

### **ELECTION SIGNS AND HOARDINGS SCHEDULE 2007**

(Pursuant to Clause 204A.1 of Bylaw No 4)

Approved by the Chief Executive Officer

HV O'Rourke MNZM JP  
On 23 May 2007

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## INTRODUCTION

All signs which comply with this policy have been authorised by the Chief Executive officer in terms of Waitakere City Bylaw No. 4 - Clause 204A.1. All signs in breach of this policy will be in breach of the said Bylaw.

## General Prohibitions

The Council will allow election signs for any election held in Waitakere City anywhere not specifically prohibited below, subject to compliance with the following performance standards:

- Signs are not to be erected prior to six weeks before the election and are to be removed not later than the day prior to the date of the election.
- Signs are not permitted within 50m of major intersections controlled by traffic lights, a roundabout or railway level crossings. 50m to be measured from the limit (give way) lines on any intersection controlled by traffic lights or roundabouts.
- Signs are not to be attached to traffic control or street name signs.
- Signs are not permitted on road medians or traffic islands.
- Signs are not to be attached to telephone/power poles, light standards, bus shelters rubbish bins or other street furniture.
- Signs are not to be attached to trees on public property.
- Banners are permitted to be strung across roads or from buildings subject to normal Council procedures.
- Signs are not to obstruct footpaths or motorists sight lines. If a sign is considered to impede motorists or pedestrians' safety, then the sign will be requested to be removed.
- Signs are not to exceed 3m<sup>2</sup> in area.

## Specific Prohibitions:

Signs are not permitted on the following locations:

- Awaroa Park including the frontage of Kelston Community Centre
- Kelston Girls High School frontage between Archibald and Lynwood Roads
- Henderson Primary School
- Corban Hill - Great North Road
- The Reserve - corner Great North Road and Titirangi Road

Or in the following intersections in each ward:

***(The wards referred to are those effective for the 2007 Elections)***

### Henderson Ward

- Te Atatu Road / Gunner Drive
- Te Atatu Road / Wharf Road
- Te Atatu Road / Yeovil Road
- Larnoch Road / Swanson Road
- Swanson Road / Rathgar Road
- Universal Drive / Rathgar Road
- Edmonton Road and School Road

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- Te Atatu Road / Roberts Road
- School Road / Central Park Drive
- Great North Road / James Laurie Street
- Sunnyside Road / Seymour Road

### **Massey Ward**

- Clark Road / Hobsonville Road
- Hobsonville Road / Brigham Creek Road
- Brigham Creek Road / SH 16
- Hobsonville Road / Luckens Road
- Hobsonville Road / Trigg Road
- Don Buck Road / Royal Road
- Don Buck Road / Triangle Road
- Triangle Road / Makora Road
- Swanson Road / Ranui Station Road

### **Waitakere Ward**

- Scenic Drive North / Te Henga Road
- Scenic Drive North / Swanson Road
- Scenic Drive / Piha Road
- Godley Road / Titirangi Road

### **New Lynn Ward**

- Great North Road / Kirby Street
- Archibald Road / St Leonards Road
- Archibald Road / Archlynn Road
- Archibald Road / Great North Road
- Lynwood Road / Great North Road
- Rimu Street / Rata Street
- Rua Road / West Coast Road
- Pleasant Road / Titirangi Road
- Croydon Road / Titirangi Road
- Parker Avenue / Titirangi Road
- Godley Road / Castleford Street

### **Conditions in relation to Transit New Zealand Highways**

- No signs are to be visible from the North Western Motorway.
- Signs erected on State Highways where the speed limit is 70 kph or less must comply with Transit New Zealand requirements which are as follows:

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### Standards for Signs

Signs must:

- Not be reflectorised.
- Be located giving consideration to visibility and traffic safety.
- Not be on or adjacent to motorways.
- Not to be erected in a manner that will create distraction or danger to road users.
- Not imitate any official traffic signs.
- For safety reasons, vehicle mounted signs on state highways are discouraged.
- State Highways, where the speed limit is above 70 kph, require specific permission from Transit New Zealand. Contact: Brain Rainford - DDI 368 2013\*.

### Removal of signs and non-compliance

- Any other sign is to be removed within three days of a requirement issued by the Council. The requirement would be based on traffic safety concerns and/or amenity concerns.
- Signs erected outside the above standard will be removed by Council and the appropriate fee (to cover removal costs) will be charged.
- "Where a sign is deemed to be dangerous or obstructing view of traffic the Council will be entitled to remove the sign immediately".

**NB:** An "election sign" is deemed to include any sign incorporating a political party logo/name/slogan, or any politicians/candidates name or photo and is not permitted prior to 6 weeks of the election date.

**\*Current contact** - Contact to be reviewed from time to time and changed as appropriate without invalidating this policy.

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North Auckland Rail

Sturges Rd

New Bridge

Plantings

Walls

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