

# Earls Colne Parish Council



## Code Of Conduct

Adopted at a Parish Council meeting on 21/05/2025

(Minute Reference 21/05/25/11.a.i.)

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## **INTRODUCTION**

1. The Earls Colne Parish Council Code of Conduct Policy has been designed to protect the democratic role, encourage good conduct, and safeguard the public's trust in the
2. This Policy will be subject to an annual review.
3. For the purposes of this Code of Conduct Policy a "Parish Councillor" means an elected or co-opted member of the Parish Council.

## **PURPOSE OF THE CODE OF CONDUCT POLICY**

1. The purpose of the Code of Conduct Policy is to guide each Parish Councillor, in modelling the behaviour that is expected to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against a Parish Councillor.
2. The Code of Conduct Policy sets out general principles of conduct expected of all Parish Council/Councillors and specific obligations in relation to standards of conduct.
3. The fundamental aim of the Code of Conduct Policy is to create and maintain public confidence in the role of Parish Councillor and the EC Parish as a whole.
4. The role of Parish Councillor is a vital part of the country's system of democracy. It is important that a Parish Councillor can be held accountable, and all adopt the behaviours and responsibilities associated with the role.
5. A Parish Council/Councillors conduct as an individual affects the reputation of all EC Parish Council/Councillors.
6. The role of Parish Councillor to be one that people aspire to. To also want individuals from a range of backgrounds and circumstances to put themselves forward to become Parish Council/Councillors.
7. To represent residents and works to develop better services, manage and deliver local change. The public have high expectations of and entrust the Council to represent the local area, taking decisions fairly, openly, and transparently, have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
8. Should be able to undertake all activity without being intimidated, abused, bullied, or threatened by anyone, including the public.

## **GENERAL PRINCIPLES OF Councillor CONDUCT**

1. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Council/Councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (**Appendix A**).
2. Require all Parish Council/Councillors to agree to the Nolan Principles together with specific standards as detailed in the Parish Councillor Annual Declaration (**Appendix B**)
3. Agreement by all Parish Council/Councillors to the Parish Councillor Annual Declaration must be minuted at the Annual Meeting.

## APPLICATION OF CODE OF CONDUCT

1. This Code of Conduct Policy applies to a Parish Councillor as soon as the “Declaration Of Acceptance Of the Office Of Councillor” is signed or attendance at the first meeting with voting rights and continues to apply to until they cease to be a Parish Councillor.
2. The Code of Conduct Policy requirements terminate once a person ceases to become a Parish Councillor as noted by at an ordinary meeting.
3. This Code of Conduct applies when acting in the capacity as a Parish Councillor which may include:
  - misuse of position as a Councillor
  - actions which would give the impression to a reasonable member of the public (with knowledge of all the facts) that the Parish Councillor is acting as an” Councillor” and not as in an individual outside of this capacity.
4. The Code applies to all forms of communication and interaction, including:
  - a. at face-to-face meetings
  - b. at online or telephone meetings
  - c. in written communication
  - d. in verbal communication
  - e. in non-verbal communication
  - f. in electronic and social media communication, posts, statements and comments.
5. Parish Council/Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.
6. Whilst the Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, Council/Councillors should seek advice from the Parish Clerk (who may refer matters to the Monitoring Officer as necessary)

## **STANDARDS OF CONDUCT: GENERAL CONDUCT – RESPECT**

As a Parish Councillor:

1. Treat other Council/Councillors and members of the public with respect.
2. Treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

### **GUIDANCE**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, Council/Councillors should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in return, Council/Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Parish Clerk. This also applies to fellow Parish Council/Councillors, (where action could then be taken under the Councillor Code of Conduct) and employees, where concerns should be raised with the Parish Clerk.

Note: In the first instance a Councillor should always speak with the Parish Clerk for guidance.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT - BULLYING, HARRASMENT AND DISCRIMINATION**

1. A Councillor:
  - 1.1 Does not bully any person.
  - 1.2 Does not harass any person.
  - 1.3 Promotes equalities and does not discriminate unlawfully against any person.

### **GUIDANCE**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities.

The Parish Council have a central role to play in ensuring that equality issues are integral to the performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

**Note:** In the first instance a Councillor should always speak with the Parish Clerk for guidance.



## **STANDARDS OF CONDUCT: GENERAL CONDUCT - IMPARTIALITY OF PARISH COUNCILLORS**

1. A Councillor:
  - 1.1 Must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Parish Council.

### **GUIDANCE**

Parish Council Councillors or employees should not be coerced or persuaded to act in a way that would undermine this Code of Conduct Policy. An EC Parish Councillor can question other Parish Council Councillors or employees in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, an EC Parish Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT – CONFIDENTIALITY AND ACCESS TO INFORMATION**

1. A Councillor:
  - 1.1 Does not disclose information:
    - a. given to them in confidence by anyone.
    - b. acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless
      - i. consent has been received from a person authorised to give it.
      - ii. required by law to do so.
      - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person.
      - iv. The disclosure is:
        1. reasonable and in the public interest; and
        2. made in good faith and in compliance with the reasonable requirements of the; and
        3. has consulted the Parish Clerk (in the first instance) or Monitoring Officer prior to its release.
  - 1.2 Does not improperly use knowledge gained solely as a result of the role as a Parish Councillor for the advancement of themselves, their friends, family members, employer, or business interests.
  - 1.3 Does not prevent anyone from getting information that they are entitled to by law.

### **GUIDANCE**

The Parish Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Note: In the first instance a Councillor should always speak with the Parish Clerk for guidance.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT- DISREPUTE**

1. A Councillor:
  - a. Does not bring the role or the Parish Council into disrepute.

### **GUIDANCE**

As a Councillor, you are trusted to make decisions on behalf of Earls Colne and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Council /Councillors and/or the Parish Council and may lower the public's confidence in you or the Parish Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Parish Council into disrepute. You are able to hold the Parish Council/ Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Parish Council whilst continuing to adhere to other aspects of this Code of Conduct Policy.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT – USE OF POSITION**

1. A Councillor:
  - a. Does not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else.

### **GUIDANCE**

Your position as a member of the Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT – USE OF RESOURCES AND FACILITIES**

### **1. A Councillor:**

1.1 does not misuse resources.

1.2 will, when using the resources of the or authorising their use by others:

a. act in accordance with the requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of or of the office to which I have been elected or appointed.

### **GUIDANCE**

You may be provided with resources and facilities by the to assist you in carrying out your duties as a Parish Councillor. Examples include:

- office support
- Stationery
- access and use of room, halls etc.

These are given to you to help you carry out your role as a Parish Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and 's own policies regarding their use.

Note: In the first instance a Councillor should always speak with the Parish Clerk for guidance.

## **STANDARDS OF CONDUCT: GENERAL CONDUCT – COMPLYING WITH THE CODE OF CONDUCT**

1. A Councillor:
  - I. undertakes Code of Conduct training provided.
  - II. cooperates with any Code of Conduct investigation and/or determination.
  - III. does not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
  - IV. complies with any sanction imposed on them following a finding that they have breached the Code of Conduct Policy.

### **GUIDANCE**

It is extremely important for you as a Parish Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in or its governance. If you do not understand or are concerned about the processes in handling a complaint you should raise this with your Parish Clerk or Monitoring Officer.

Note: In the first instance a Councillor should always speak with the Parish Clerk for guidance.

## PROTECTING THE REPUTATION OF COUNCIL AND PARISH COUNCILLORS – INTERESTS

1. A Councillor:
  - a. registers* and discloses their interests.

### GUIDANCE

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.

You need to register your interests so that the public, local authority employees and fellow Council/Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Council/Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Appendix B sets out the detailed provisions on registering and disclosing interests.

## GIFTS AND HOSPITALITY

1. A Councillor:
  - a. does not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the or from persons who may apply to the for any permission, licence or other significant advantage.
  - b. Registers with the Parish Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. The Parish Clerk will report to the Monitoring Officer
  - c. Registers with the Parish Clerk any significant gift or hospitality that has been offered but have refused to accept. The Parish Clerk will report to the Monitoring Officer

### GUIDANCE

In order to protect your position and the reputation of the, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Parish Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Parish Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Parish Councillor. If you are unsure, contact your Parish Clerk for guidance.



## **APPENDIX A – THE SEVEN PRINCIPLES OF PUBLIC LIFE**

THE PRINCIPLES ARE:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## APPENDIX B - REGISTERING INTERESTS

1. Within 28 days of becoming a member or your re-election or re-appointment to office you must:-
  - a. Register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012".
    - i. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).
    - ii. "Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
    - iii. "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
  - b. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
    1. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
    - ii. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
2. Nonparticipation in case of disclosable pecuniary interest
3. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
4. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Disclosure of Other Registerable Interests. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have to disclose the nature of the interest
6. Disclosure of Non-Registerable Interests. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a

dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which affects –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate;
  - c. or financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
8. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the affected by the decision and;
9. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**TABLE 1: DISCLOSEABLE PECUNIARY INTEREST**

SUBJECT	DESCRIPTION
Employment, office, trade, profession, or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the ) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the for a month or longer
Corporate tenancies Any tenancy where (to the Councillor’s	any tenancy where (to the Councillor’s knowledge)— (a) the Council is the ; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the ; and (b) either— (i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued

	share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## TABLE 2: OTHER REGISTRABLE INTERESTS

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

## APPENDIX C – ANNUAL DECLARATION OF COMPLIANCE

- I do not improperly use knowledge gained solely as a result of my role as an EC Parish Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.
- I do not bring my role or local authority into disrepute.
- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- I do not misuse resources.
- I will, when using the resources of the local authority or authorising their use by others:
  - act in accordance with the local authority's requirements; and
  - ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.
- I undertake Code of Conduct training.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.
- I register and disclose my interests.
- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- I register with the Parish Clerk or Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Parish Clerk or Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

With specific reference to my role as an Earls Colne Parish Councillor

- I have read and agree to adhere to all Earls Colne Parish Councils Policies & Protocols