

**From:** [REDACTED]  
**To:** [Hilary Martin](#)  
**Subject:** FW: [EXTERNAL]  
**Date:** 16 April 2024 14:22:04

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Hi Hilary,

I queried the 'parish affair' as we were not consultees to the planning process. Below is a detailed explanation from the [REDACTED], which makes it clear. Just in case this comes up as a question this evening.

Jocelyn

**ClIr Jocelyn Towns**

Councillor for Flackwell Heath, Little Marlow and Marlow South East  
Buckinghamshire Council

[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 12:23 PM  
**To:** Jocelyn Towns [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: [EXTERNAL]

Dear ClIr Towns

Thanks for your email. [REDACTED] and I have discussed it. We would offer this explanation.

The phrase 'parish affair' is not defined in the Local Government Act 1972. Case law suggests it was undefined on purpose so as to include anything which is of interest to those in the parish. While Marlow Town Council may not be the statutory consultee, this does not prevent Marlow Town Council commenting. The application can be reasonably construed as a parish affair, the development being likely to affect the town in some material way e.g. in terms of traffic, employment and services. The degree of public interest in Marlow about the planning application suggests that the application is indeed of interest to the community. It would be odd if the residents of Marlow were unable to comment on the application - through its Parish Meeting or the Town Council - by virtue of the latter not being a statutory consultee.

The National Association of Local Councils describes a parish affair as "any local issue, activity, subject matter which specifically affects a particular parish and which a parish meeting may wish to discuss, debate and potentially influence. It excludes matters which affect all parishes in the country equally."

The decisive factor is that the parish affair should *affect* the parish. The limitation is where the subject is a general one which does not specifically *affect* the parish. Here it is reasonable to assume that the development will 'affect' the town of Marlow in some material way. As such, the parish meeting was able to discuss it and a poll is legitimate.

Hope that helps.

With regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
Buckinghamshire Council  
[REDACTED]

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**From:** Jocelyn Towns (Cllr) [REDACTED]  
**Sent:** Tuesday, April 16, 2024 10:25 AM  
**To:** [REDACTED]  
**Subject:** FW: [EXTERNAL]

Good morning [REDACTED]

I have a quick question on the below, received from the Town Clerk at Marlow Town Council, in relation to the Parish Meeting this morning.

Under 'Requirements for a Poll to proceed'. You will see I have highlighted in red 'the questions should relate to a parish affair' my question is as Marlow Town Council are not a consultee to the planning process on the Film Studio application, how can this Poll be actioned, as the Town Council have no input to the planning process on this topic.

Many thanks

Jocelyn

**Cllr Jocelyn Towns**

Councillor for Flackwell Heath, Little Marlow and Marlow South East  
Buckinghamshire Council

---

**From:** Jocelyn Towns [REDACTED]  
**Sent:** Tuesday, April 16, 2024 10:16 AM  
**To:** Jocelyn Towns (Cllr) [REDACTED]  
**Subject:** [EXTERNAL]

Dear members

Please see below which has been sent to the [REDACTED] of the Parish Meeting held on April 8<sup>th</sup> and copied to Council from the [REDACTED]

*The [REDACTED] has received a notification from Marlow Town Council confirming that a parish meeting was held on 8 April 2024 and that you presided at the meeting. At the meeting Polls were called for and the wording of the questions for the poll agreed by more than a third of the electorate that were present in the room each time.*

The [REDACTED] has therefore reviewed the information provided, including the questions requested for polling, and has concluded that two of those questions satisfy the legal criteria for proceeding to a poll as set out in Schedule 12 of the Local Government Act 1972 and case law. However, a number of the questions do not fulfil the required criteria, and therefore will not proceed to a poll. An explanation of this decision, and the next steps for this matter, are set out below.

#### *Requirements for a poll to proceed*

Parish poll questions must be clear, unambiguous, and capable of producing a “yes” or “no” response only. *The questions should relate to a parish affair.* Additionally, case law has established that the Returning Officer may not grant a poll where its purpose is devoid of practical application.

The following two questions fulfil this criteria and will therefore proceed to a poll.

1. “Do you wish Marlow Film Studios to be built?”

Proposer, [REDACTED]

2. “Do you want development in the greenbelt on the scale proposed by the Marlow Film Studio?”

Proposer [REDACTED]

The following questions (numbering added for ease of reference) will not proceed to poll and the reasons for this are set out below:

- 3) “Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?”

Proposer, [REDACTED]

As a ‘poll question’ this is devoid of practical application, and therefore does not meet the required criteria. This is because neither the parish council nor the parish meeting can make the outcome of the proposed question happen. A resignation is the personal choice of a Councillor. A Councillor resigns by handing a notice to the Chairman of their Council. It is not within the power of a parish council or parish meeting to request a Councillor resignation. The question as worded is not the same, for example, as a request for a vote of no confidence by the Town Council.

However, the resolution of the parish meeting can be passed on to the Town Council or to the three Councillors as an expression of opinion from that body.

- 4) Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?

- 5) Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?

- 6) Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?

Proposer, [REDACTED]

Similarly, the three questions above are also devoid of practical application, and therefore do not meet the required criteria. The Town Council can’t conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code. The questions are not a fact,

*nor something the Town Council can determine. Consequently, the questions could be also potentially libellous.*

*Next Steps*

*The [REDACTED] will now determine the date of poll for questions 1) and 2), and give notice to the proposer of the questions once a day of poll is set. This will depend on the polling place availability (6 polling places are likely to be required) and timescales required for organising the poll. You will be aware of the national election taking place on 2 May 2024 to elect the Police and Crime Commissioner for Thames Valley area. Parish polls cannot be combined with other polls, and therefore this date is not available.*

*Those motions passed at the parish meeting and agreed by the [REDACTED] (questions 1) and 2), will be reproduced as the questions on the ballot paper. There can be no further changes made to the wording as once the questions have been agreed at the parish meeting they cannot be changed.*

*The local government electors in the parish area of Marlow Town Council will be polled. Polling hours are 4pm until 9pm on polling day. There is no provision for poll cards to be sent for parish polls. Marlow Town Council will be provided with a copy of the Notice of Poll. The cost of running the poll must be recharged to the parish council. We estimate the cost of running this poll be to be around £5,300. The result of the poll is not binding, but may provide an indication of support for or opposition to specific local matters.*

*If you have any questions please let me know. We'll be in touch again once a day of poll is set.*

*Best regards,*

[REDACTED]  
[REDACTED]  
[REDACTED]

*Buckinghamshire Council*

Jocelyn Towns

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Hilary Martin  
**Subject:** FW: [EXTERNAL] RE: Marlow Parish Poll  
**Date:** 16 April 2024 12:26:39

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Dear [REDACTED]

Just to answer your question to [REDACTED]

Code of conduct complaints are the personal data of any councillors and their complainants. As such we would neither confirm nor deny whether any such complaints had been received. All we can say is that there have been no findings of breach against any Marlow Town Councillor in the past few years, which is the relevant point.

I hope that is of some help.

Best regards

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Buckinghamshire Council

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 11:28 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
**Subject:** [EXTERNAL] RE: Marlow Parish Poll

Thanks for this [REDACTED]

In the narrative there is the following statement:

The Town Council can't conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code.

Could you please advise if any of the Marlow Town Councillors have been referred. or self-referred to Buckinghamshire Council, and if so, when, and what was the outcome?

Many Thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
**Sent:** Monday, April 15, 2024 3:11 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Marlow Parish Poll

Dear [REDACTED]

We have a TC meeting tomorrow evening with the outcome of the Parish Meeting as an agenda item. Please do I have your permission to share this email?

Many thanks

Hilary

Mrs Hilary Martin PSLCC

Town Clerk

MARLOWTOWNCOUNCIL

Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

01628 484024

[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)

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---

**From:** [REDACTED]  
**Sent:** 15 April 2024 14:28  
**To:** [REDACTED]  
**Cc:** [REDACTED] Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
**Subject:** Marlow Parish Poll

Sent on behalf of the [REDACTED]

Dear [REDACTED]

The [REDACTED] has received a notification from Marlow Town Council confirming that a parish meeting was held on 8 April 2024 and that you presided at the meeting. At the meeting Polls were called for and the wording of the questions for the poll agreed by more than a third of the electorate that were present in the room each time.

The [REDACTED] has therefore reviewed the information provided, including the questions requested for polling, and has concluded that two of those questions satisfy the legal criteria for proceeding to a poll as set out in Schedule 12 of the Local Government Act 1972 and case law. However, a number of the questions do not fulfil the required criteria, and therefore will not proceed to a poll. An explanation of this decision, and the next steps for this matter, are set out below.

Requirements for a poll to proceed

Parish poll questions must be clear, unambiguous, and capable of producing a "yes" or "no" response only. The questions should relate to a parish affair. Additionally, case law has established that the Returning Officer may not grant a poll where its purpose is devoid of practical application.

The following two questions fulfil this criteria and will therefore proceed to a poll.

1. "Do you wish Marlow Film Studios to be built?"  
Proposer, [REDACTED]
2. "Do you want development in the greenbelt on the scale proposed by the Marlow Film Studio?"  
Proposer [REDACTED]

The following questions (numbering added for ease of reference) will not proceed to poll and the reasons for this are set out below:

- 3) "Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?"  
Proposer, [REDACTED]

As a 'poll question' this is devoid of practical application, and therefore does not meet the required criteria. This is because neither the parish

council nor the parish meeting can make the outcome of the proposed question happen. A resignation is the personal choice of a Councillor. A Councillor resigns by handing a notice to the Chairman of their Council. It is not within the power of a parish council or parish meeting to request a Councillor resignation. The question as worded is not the same, for example, as a request for a vote of no confidence by the Town Council.

However, the resolution of the parish meeting can be passed on to the Town Council or to the three Councillors as an expression of opinion from that body.

- 4) Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?
- 5) Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?
- 6) Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?

#####

Similarly, the three questions above are also devoid of practical application, and therefore do not meet the required criteria. The Town Council can't conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code. The questions are not a fact, nor something the Town Council can determine. Consequently, the questions could be also potentially libellous.

#### Next Steps

The [redacted] will now determine the date of poll for questions 1) and 2), and give notice to the proposer of the questions once a day of poll is set. This will depend on the polling place availability (6 polling places are likely to be required) and timescales required for organising the poll. You will be aware of the national election taking place on 2 May 2024 to elect the Police and Crime Commissioner for Thames Valley area. Parish polls cannot be combined with other polls, and therefore this date is not available.

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If you have any questions please let me know. We'll be in touch again once a day of poll is set.

Best regards,

[redacted]  
[redacted]  
[redacted]  
Buckinghamshire Council

[redacted]  
[redacted]

#####  
[redacted]  
[redacted]

The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

---

**Sent:** Tuesday, April 9, 2024 9:41 AM

Dear [redacted]

A Parish meeting called by the electorate was held on April 8th. I have copied in [redacted] [redacted] who was appointed [redacted] of the meeting by the electorate so you can communicate with him directly.

At the meeting the following Polls were called for and agreed by more than a third of the electorate that were present in the room each time.

Proposer, [redacted], address as above

Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?

Proposer, [redacted]

Do you wish Marlow Film Studios to be built?



Proposer, [REDACTED], address as above

Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?

Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?

Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?

Proposer [REDACTED]

Do you want development in in the greenbelt on the scale proposed by the Marlow Film Studio?

Best wishes

*Hilary*

*Mrs Hilary Martin PSLCC*

*Town Clerk*

**MARLOWTOWNCOUNCIL**

Court Garden

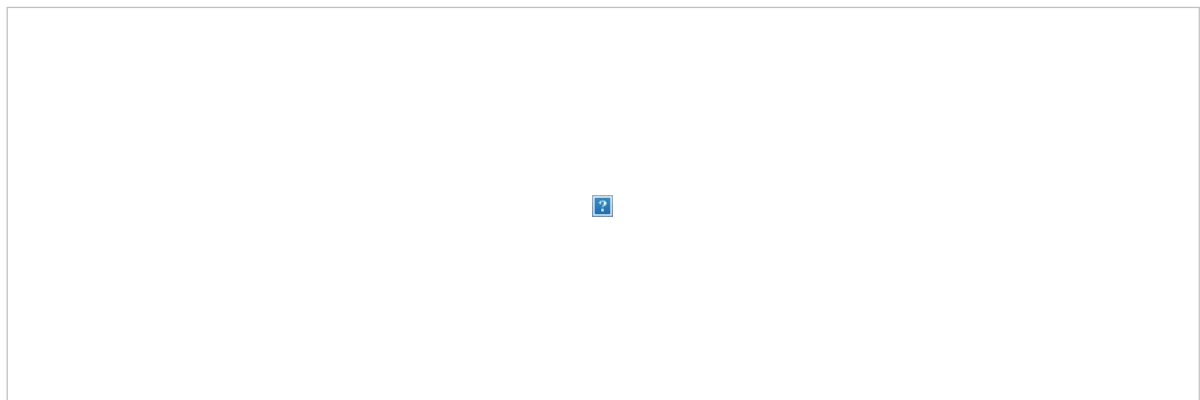
Pound Lane

Marlow

Bucks SL7 2AG

01628 484024

[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)



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#####

#####  
[Redacted]

#####

**From:** [Redacted]  
**Sent:** 15 April 2024 17:42:07  
**To:** Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Cc:** [Redacted]  
**Subject:** Re:[## 38829 ##] FOI

Hi

Yes this has been run.

We are showing all emails in our search to or from Hilary with the key words mentioned.

Point 4 we cannot do. We could search for all emails everywhere in the time period mentioning Marlow FM if you want??

— on Mon, 15 Apr 2024 17:13:57 +0100 "Hilary Martin" <hilarymartin@marlow-tc.gov.uk> wrote —

Many thanks [Redacted]

Yes the [Redacted] came today and installed. Please let me know when you want to do the phone install?

Please can you run the request from the date you received on my emails with the keywords listed below and emails to my address from Cllr Heap. The provision of information is very clear in the FOI 2000 act.

Section 1(4) (with my emphasis added)  
The information—

(a)in respect of which the applicant is to be informed under subsection (1)(a), or

(b)which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request from now.

We will act on the second request once it is requested in the past as it is not currently a valid FOI. I have copied in [Redacted] and [Redacted] to receive the data from you, as the data request is solely on my emails.

Many thanks

Hilary

Mrs Hilary Martin PSLCC  
Town Clerk

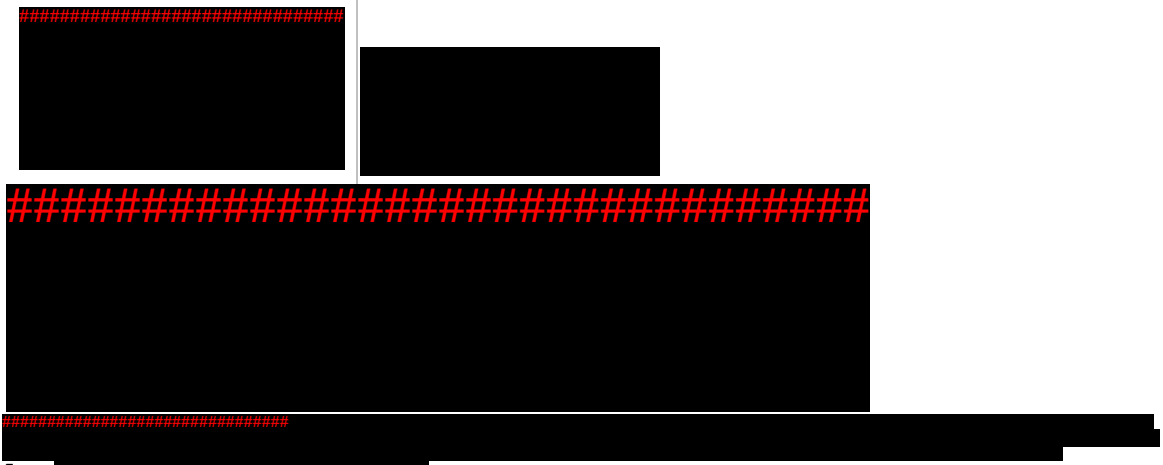
MARLOWTOWNCOUNCIL  
Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

01628 484024  
hilarymartin@marlow-tc.gov.uk

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**From:** [REDACTED]  
**Sent:** 15 April 2024 16:01:09  
**To:** Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Subject:** Re:[## 38829 ##] FOI

Hi

I hope all is well. I see Openreach installed the cable so we will be up to live that and plan the phone moves.

This will be in effect 2 FOI requests.

I am guessing you can find the email referred to in question 1.

How I plan to encode this request is to only scan your mailbox as they are only requesting email to and from yourself. I will search for

M132.23  
8th April  
8 Apr  
8/4/24  
8/4/2024

*Buckinghamshire Council  
Marlow FM  
MFM*

*point 4 looks almost impossible.... any member of the public?? This would almost be a manual search of all emails.*

*The question is do you want us to run the first one now, or wait till the end date and grab them all in one hit?*

*All the best*



----- on Mon, 15 Apr 2024 14:57:30 +0100 "Hilary Martin" <hilarymartin@marlow-tc.gov.uk> wrote -----

Dear [REDACTED]

We have had the following FOI in which we are taking advice on as it is asking for future emails which we do not believe is possible. However in the meantime please can you place an embargo on emails that are dates in the past whilst we seek clarification.

*Dear Hilary*

*Marlow Town Council Agenda 16<sup>th</sup> April 2024*

*We would be grateful to receive the following information under the terms of the Freedom of Information Act 2000 ("Act"), and request the following emails.*

*For the avoidance of doubt we are setting the time period commencing immediately after the Parish Meeting at 6pm on Monday April 8<sup>th</sup> 2024 to the present time. We would request that this FOI also cover emails after the Council*  
*th*

meeting on 16 April 2024 and for a period of seven days after. This means the period of 08 April 2024 @ 20:00 to 23 April 2024 @ 23:59

1. Email from Councillor Heap to the Clerk requesting the adding of the agenda item concerning the Parish Meeting M132.23.c
2. Any communications between yourself and any councillor (and vice versa) relating to
  1. The agenda item M132.23.c above,
  2. References to Parish Meeting of 8<sup>th</sup> April 2024
  3. References to Buckinghamshire Council but limited to the Parish Meeting of 8<sup>th</sup> April 2024, the agenda item M132.23.c and,
  4. any communications referencing members of the public (whether generally or by name) and Marlow FM.

Thanking you as always in advance

Yours sincerely

Many thanks

*Hilary*

Mrs Hilary Martin PSLCC  
Town Clerk

**MARLOWTOWNCOUNCIL**

Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

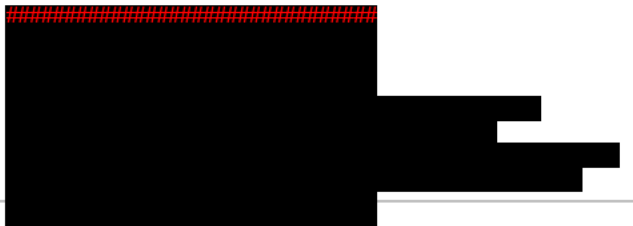
01628 484024

hilarymartin@marlow-tc.gov.uk

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Buckinghamshire council, Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB.



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- Report back to residents on the update provided with regards to the pumping/cleaning of gulleys in the Pound Lane area i.e. this may not take place until after June due to current and expected water levels between now and then

Regards

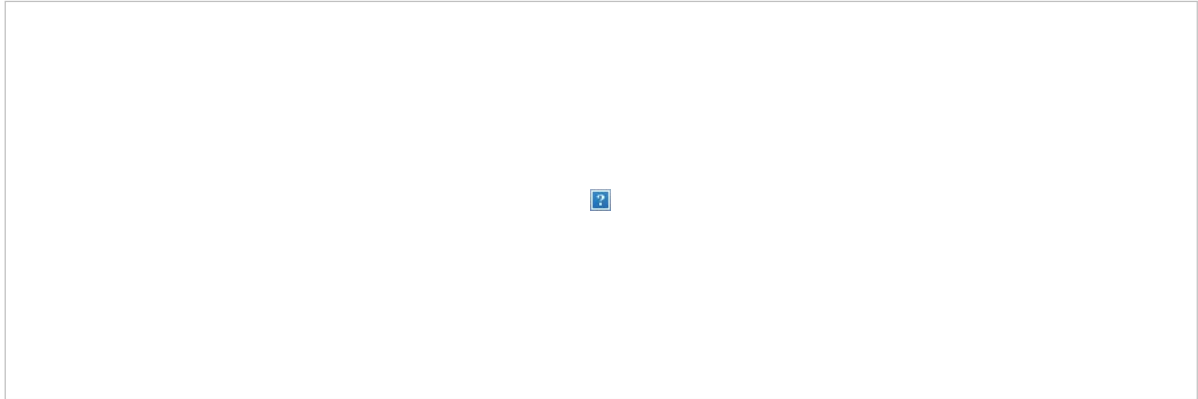
[Redacted]

[Redacted]

[Redacted]  
Buckinghamshire Council

[Redacted]

[Redacted]



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**From:** Hilary Martin  
**To:** [REDACTED]  
**Subject:** Re: Marlow Parish Meeting  
**Date:** 16 April 2024 10:30:01  
**Attachments:** [REDACTED]

---

Dear [REDACTED]

I have had the following attached correspondence from [REDACTED] who I understand from his letter that you had a telephone call with last Friday afternoon. I have attached the original correspondence which you have been copied in on and my response.

Best wishes

*Hilary*

**Mrs Hilary Martin PSLCC**  
**Town Clerk**

**MARLOWTOWNCOUNCIL**

Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

01628 484024  
hilarymartin@marlow-tc.gov.uk

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**From:** [REDACTED]  
**Sent:** 12 April 2024 16:31  
**To:** [REDACTED] Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: Marlow Parish Poll - procedural questions

Hello [REDACTED] and thanks for coming back to me. Much appreciated.

It just wasn't clear from the recording when you announce the 'greenbelt' wording near the end, that there had been the requisite demand for the poll and then a vote on the wording. You've both kindly confirmed that this was the case - through a show of cards albeit with fewer electors present by that time.

Thanks again for the confirmations.

With regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
Buckinghamshire Council  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, April 12, 2024 4:14 PM  
**To:** [REDACTED] Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: Marlow Parish Poll - procedural questions

Good Afternoon [REDACTED]

Apologies for my slight delay in response but I was out this afternoon.

I am in agreement with Hilary's responses, and the estimates of numbers are also as per my recollection.

Many Thanks,



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, April 12, 2024 3:54 PM  
**To:** Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Marlow Parish Poll - procedural questions

Thanks Hilary much appreciated.

Best regards

[REDACTED]

[REDACTED]

[REDACTED]

Buckinghamshire Council

[REDACTED]

---

**From:** Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
**Sent:** Friday, April 12, 2024 3:53 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Marlow Parish Poll - procedural questions

You are most welcome [REDACTED]

For the following polls the room was full and had 265 people present.

- Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?
- Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?
- Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?

For this poll, the room had emptied considerably and I would estimate that there were 45 people still present.

- Do you want development in in the greenbelt on the scale proposed by the Marlow Film Studio?

Best wishes

*Hilary*

*Mrs Hilary Martin PSLCC  
Town Clerk*

**MARLOWTOWNCOUNCIL**  
Court Garden  
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Bucks SL7 2AG

01628 484024  
[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)

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---

From: [REDACTED]  
Sent: 12 April 2024 15:45  
To: Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>; [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Marlow Parish Poll - procedural questions

Thanks Hilary, that's helpful and confirms what the minutes say.

As you say, it's not clear in the recording, as the official record of the meeting, where each of these steps were separately taken but your confirmation is useful. I note from the minutes that 265 people were present at the meeting. Would you be able to recall how many were still present when the decisions took place on the *demand* for and *wording* of each of the following:

- Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?
- Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?
- Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?
- Do you want development in in the greenbelt on the scale proposed by the Marlow Film Studio?

Thanks

[REDACTED]

[REDACTED]  
Buckinghamshire Council  
[REDACTED]

---

From: Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
Sent: Friday, April 12, 2024 3:26 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: Marlow Parish Poll - procedural questions

Dear [REDACTED]

Myself and three other [REDACTED] were present for the meeting, electorate were identified through the electoral roll at the entrance to the meeting and were given a green card to indicate that there were a member of the electorate.

All of the Polls recorded and sent in my email of April 8<sup>th</sup> were demanded with the consent of the [REDACTED] or more than a third of the electorate present. You cannot hear this in the recording as electors indicated their agreement at the [REDACTED] request by raising their green cards. The wording of the question giving effect to each poll was also approved by the majority of electorate present.

Best wishes

*Hilary*

*Mrs Hilary Martin PSLCC*  
*Town Clerk*

**MARLOWTOWNCOUNCIL**  
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Bucks SL7 2AG

01628 484024  
[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)

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---

From: [REDACTED]  
Sent: 12 April 2024 14:42  
To: [REDACTED] Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
Cc: [REDACTED]  
Subject: Marlow Parish Poll - procedural questions

Dear [REDACTED] and Hilary

Thank you for the poll questions arising from the recent parish meeting in Marlow. Before the [REDACTED] determines whether the polls should proceed, it would be useful just to clarify a couple of procedural questions, having reviewed the notes of the meeting and the recording.

Procedural steps in generating a poll question are:

1. The demand for the poll is made with the consent of [REDACTED] or at the request of 10 or one third of the electors. Once the poll has been validly demanded there is no vote on *whether* the poll should take place;
2. The question giving effect to each poll needs to be approved by the majority present

At certain points in the recording it appears to be said that the wording of the question needs to be agreed by 10 or a third of the electors, which is not the case. We need to be clear that each poll was validly *demand*ed (by [REDACTED] 10 or one third of the electors) and that the *wording* was *approved* by a majority of those present. It would be very helpful if you could confirm that this was the case for each poll – by reference to the point in the recording if possible.

This is particularly the case for those questions citing FOI and the greenbelt. At 1 hour 05 minutes in the recording, four polls are noted as having been agreed (three calling for resignations, one as to whether the film studios should be built). Shortly thereafter, the meeting appears to call 10 people together (it's unclear from the recording and notes whether any other electors remained present). Then at 1 hour 37 minutes, the [REDACTED] announces the wording of the "first three polls" and then outlines them citing the FOI outcome as evidence for resignation; it is not clear who or how many people determined that wording. At 1 hour 51 minutes the outcome is then announced as to the "final poll" about development on greenbelt 'at the scale of' the film studios. Again it not clear from the recording who determined that wording (or indeed the demand for that poll).

Clarity on the *demand* and *wording* points (as above) would be very helpful. These procedural matters aside, the [REDACTED] will shortly determine whether the polls should proceed.

Thanks for your help.

With regards

[REDACTED]

[REDACTED]  
Buckinghamshire Council  
[REDACTED]

---

From: Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
Sent: Tuesday, April 9, 2024 9:41 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [EXTERNAL] FAO [REDACTED] call for a Parish Poll

You don't often get email from [hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk). [Learn why this is important](#)

Dear [REDACTED]

A Parish meeting called by the electorate was held on April 8th. I have copied in [REDACTED] who was appointed [REDACTED] of the meeting by the electorate so you can communicate with him directly.

At the meeting the following Polls were called for and agreed by more than a third of the electorate that were present in the room each time.

Proposer, [REDACTED], address as above

Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?

Proposer, [REDACTED]

Do you wish Marlow Film Studios to be built?

Proposer, [REDACTED] address as above

Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?

Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?

Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?

Proposer [REDACTED]

[REDACTED] want development in in the greenbelt on the scale proposed by the Marlow Film Studio?

Best wishes

*Hilary*

Mrs Hilary Martin PSLCC  
Town Clerk

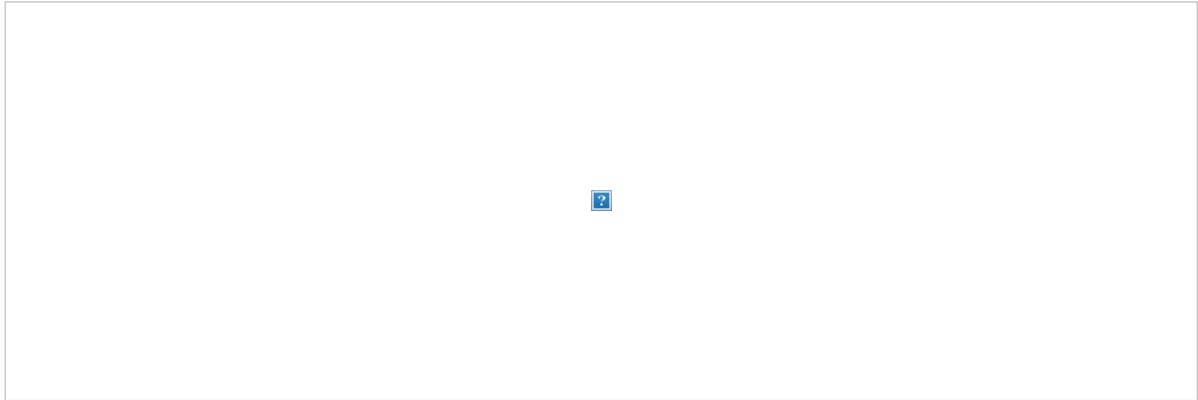
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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]; [Hilary Martin](#)  
**Subject:** RE: Marlow Parish Poll  
**Date:** 16 April 2024 11:28:10

---

Thanks for this [REDACTED]

In the narrative there is the following statement:

The Town Council can't conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code.

Could you please advise if any of the Marlow Town Councillors have been referred. or self-referred to Buckinghamshire Council, and if so, when, and what was the outcome?

Many Thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
**Sent:** Monday, April 15, 2024 3:11 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Marlow Parish Poll

Dear [REDACTED]

We have a TC meeting tomorrow evening with the outcome of the Parish Meeting as an agenda item. Please do I have your permission to share this email?

Many thanks

*Hilary*

*Mrs Hilary Martin PSLCC*

*Town Clerk*

**MARLOWTOWN**COUNCIL

Court Garden

Pound Lane

Marlow

Bucks SL7 2AG

01628 484024

[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)

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---

From: [REDACTED]  
Sent: 15 April 2024 14:28  
To: [REDACTED] Hilary Martin <[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)>  
[REDACTED] Marlow Parish Poll

Sent on behalf of the [REDACTED]

Dear [REDACTED]

The [REDACTED] has received a notification from Marlow Town Council confirming that a parish meeting was held on 8 April 2024 and that you presided at the meeting. At the meeting Polls were called for and the wording of the questions for the poll agreed by more than a third of the electorate that were present in the room each time.

The [REDACTED] has therefore reviewed the information provided, including the questions requested for polling, and has concluded that two of those questions satisfy the legal criteria for proceeding to a poll as set out in Schedule 12 of the Local Government Act 1972 and case law. However, a number of the questions do not fulfil the required criteria, and therefore will not proceed to a poll. An explanation of this decision, and the next steps for this matter, are set out below.

Requirements for a poll to proceed

Parish poll questions must be clear, unambiguous, and capable of producing a "yes" or "no" response only. The questions should relate to a parish affair. Additionally, case law has established that the Returning Officer may not grant a poll where its purpose is devoid of practical application.

The following two questions fulfil this criteria and will therefore proceed to a poll.

1. "Do you wish Marlow Film Studios to be built?"  
Proposer, [REDACTED]
2. "Do you want development in the greenbelt on the scale proposed by the Marlow Film Studio?"  
Proposer [REDACTED]

The following questions (numbering added for ease of reference) will not proceed to poll and the reasons for this are set out below:

- 3) "Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?"  
Proposer, [REDACTED]

As a 'poll question' this is devoid of practical application, and therefore does not meet the required criteria. This is because neither the parish council nor the parish meeting can make the outcome of the proposed question happen. A resignation is the personal choice of a Councillor. A Councillor resigns by handing a notice to the Chairman of their Council. It is not within the power of a parish council or parish meeting to request a Councillor resignation. The question as worded is not the same, for example, as a request for a vote of no confidence by the Town Council.

However, the resolution of the parish meeting can be passed on to the Town Council or to the three Councillors as an expression of opinion from that body.

- 4) Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?
- 5) Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?
- 6) Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?  
Proposer, [REDACTED]

Similarly, the three questions above are also devoid of practical application, and therefore do not meet the required criteria. The Town Council can't conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code. The questions are not a fact, nor something the Town Council can determine. Consequently, the questions could be also potentially libellous.

Next Steps

The [REDACTED] will now determine the date of poll for questions 1) and 2), and give notice to the proposer of the questions once a day of poll is set. This will depend on the polling place availability (6 polling places are likely to be required) and timescales required for organising the

poll. You will be aware of the national election taking place on 2 May 2024 to elect the Police and Crime Commissioner for Thames Valley area. Parish polls cannot be combined with other polls, and therefore this date is not available.

Those motions passed at the parish meeting and agreed by the [REDACTED] (questions 1) and 2), will be reproduced as the questions on the ballot paper. There can be no further changes made to the wording as once the questions have been agreed at the parish meeting they cannot be changed.

The local government electors in the parish area of Marlow Town Council will be polled. Polling hours are 4pm until 9pm on polling day. There is no provision for poll cards to be sent for parish polls. Marlow Town Council will be provided with a copy of the Notice of Poll. The cost of running the poll must be recharged to the parish council. We estimate the cost of running this poll be to be around £5,300. The result of the poll is not binding, but may provide an indication of support for or opposition to specific local matters.

If you have any questions please let me know. We'll be in touch again once a day of poll is set.

Best regards,

[REDACTED]  
[REDACTED]

Buckinghamshire Council

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Gateway, Gatehouse Road, Aylesbury, HP19 8FF

---

**Sent:** Tuesday, April 9, 2024 9:41 AM

Dear [REDACTED]

A Parish meeting called by the electorate was held on April 8th. I have copied in [REDACTED] [REDACTED] who was appointed [REDACTED] of the meeting by the electorate so you can communicate with him directly.

At the meeting the following Polls were called for and agreed by more than a third of the electorate that were present in the room each time.

Proposer, [REDACTED], address as above

Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?

Proposer, [REDACTED]

Do you wish Marlow Film Studios to be built?

Proposer, [REDACTED], address as above

Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?

Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?

Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?

Proposer [REDACTED]

Do you want development in in the greenbelt on the scale proposed by the Marlow Film Studio?

Best wishes

*Hilary*

*Mrs Hilary Martin PSLCC*

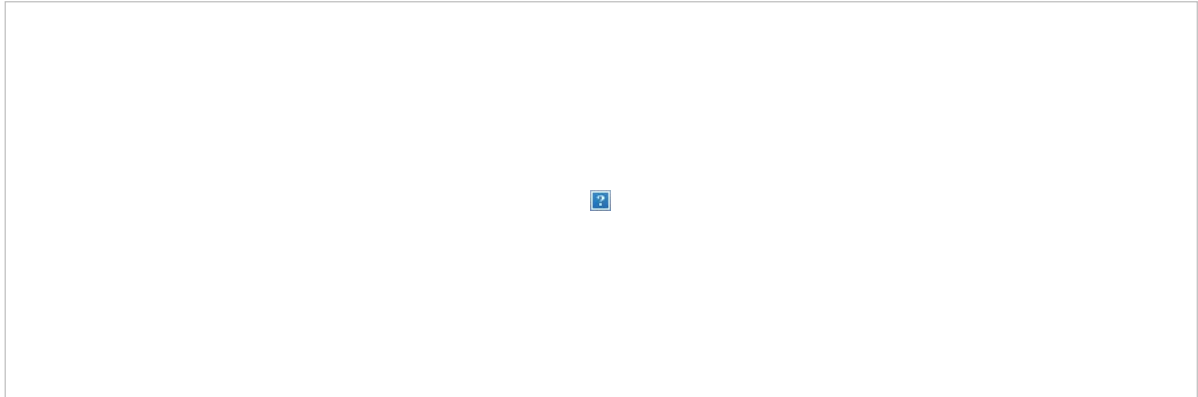
*Town Clerk*

**MARLOWTOWNCOUNCIL**

Court Garden  
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01628 484024

[hilarymartin@marlow-tc.gov.uk](mailto:hilarymartin@marlow-tc.gov.uk)



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 15 April 2024 17:42:07

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>

Cc: [REDACTED]

Subject: Re: [## 38829 ##] FOI

Hi

Yes this has been run.

We are showing all emails in our search to or from Hilary with the key words mentioned.

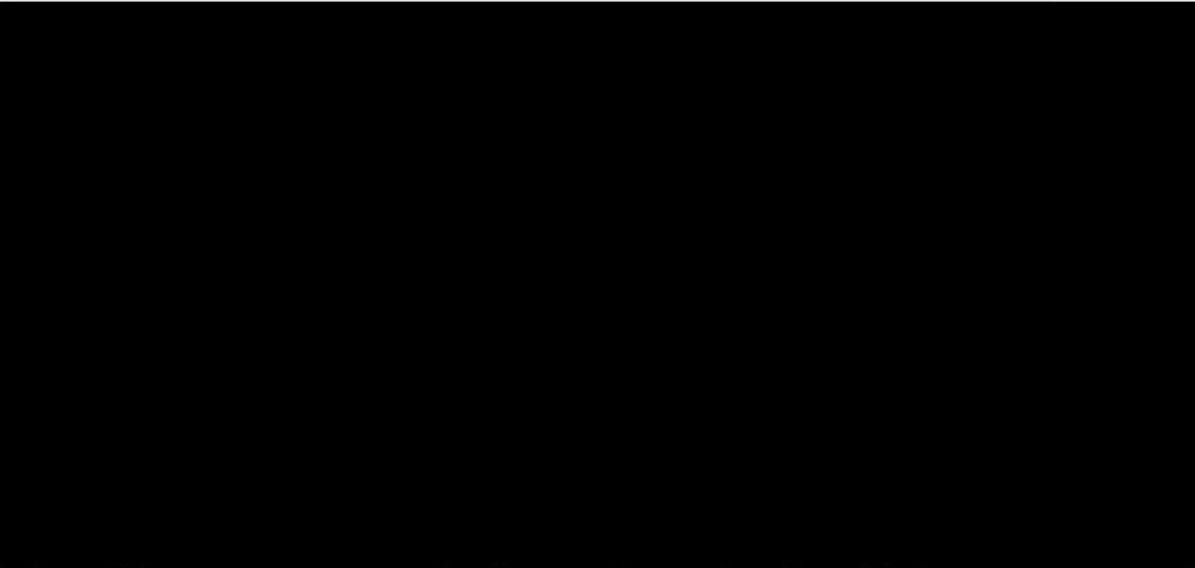
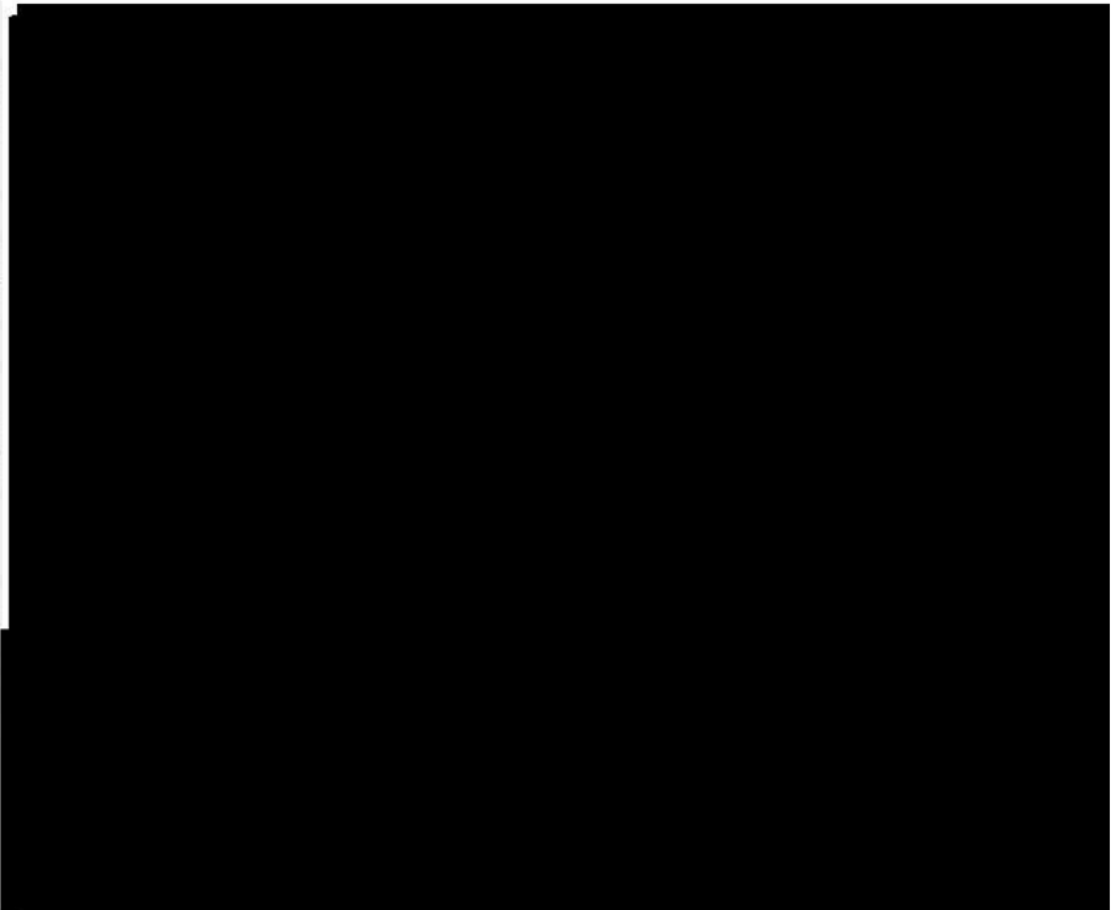
Point 4 we cannot do. We could search for all emails everywhere in the time period mentioning Marlow FM if you want??

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]  
Sent: 15 April 2024 16:01:09  
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
Subject: Re:[## 38829 ##] FOI

Hi

I hope all is well. I see Openreach installed the cable so we will be up to live that and plan the phone moves.

This will be in effect 2 FOI requests.

I am guessing you can find the email referred to in question 1.

How I plan to encode this request is to only scan your mailbox as they are only requesting email to and from yourself. I will search for

M132.23  
8th April  
8 Apr  
8/4/24  
8/4/2024

Buckinghamshire Council  
Marlow FM  
MFM

point 4 looks almost impossible.... any member of the public?? This would almost be a manual search of all emails.

The question is do you want us to run the first one now, or wait till the end date and grab them all in one hit?

All the best

█

---- on Mon, 15 Apr 2024 14:57:30 +0100 "Hilary Martin"<hilarymartin@marlow-tc.gov.uk> wrote ----

Dear █

We have had the following FOI in which we are taking advice on as it is asking for future emails which we do not believe is possible. However in the meantime please can you place an embargo on emails that are dates in the past whilst we seek clarification.

Dear Hilary

Marlow Town Council Agenda 16<sup>th</sup> April 2024

We would be grateful to receive the following information under the terms of the Freedom of Information Act 2000 ("Act"), and request the following emails.

For the avoidance of doubt we are setting the time period commencing immediately after the Parish Meeting at 6pm on Monday April 8<sup>th</sup> 2024 to the present time. We would request that this FOI also cover emails after the Council meeting on 16<sup>th</sup> April 2024 and for a period of seven days after. This means the period of 08 April 2024 @ 20:00 to 23 April 2024 @ 23:59

1. Email from Councillor Heap to the Clerk requesting the adding of the agenda item concerning the Parish Meeting M132.23.c
2. Any communications between yourself and any councillor (and vice versa) relating to
  1. The agenda item M132.23.c above,
  2. References to Parish Meeting of 8<sup>th</sup> April 2024
  3. References to Buckinghamshire Council but limited to the Parish Meeting of 8<sup>th</sup> April 2024, the agenda item M132.23.c and,
  4. any communications referencing members of the public (whether generally or by name) and Marlow FM.

Thanking you as always in advance

Yours sincerely

Many thanks

*Hilary*

**Mrs Hilary Martin PSLCC**  
Town Clerk

**MARLOWTOWNCOUNCIL**

Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

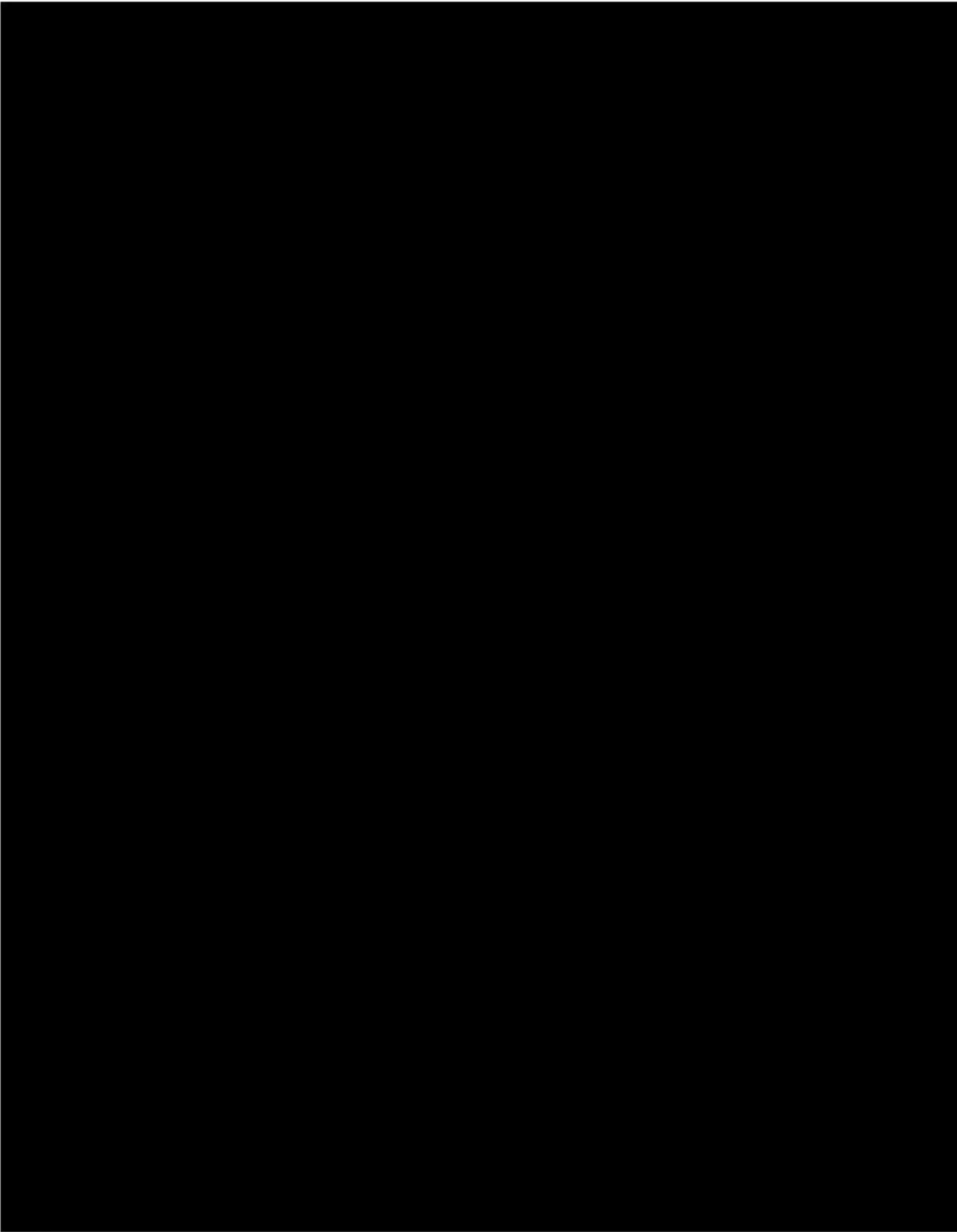
01628 484024  
hilarymartin@marlow-tc.gov.uk

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From: [REDACTED]  
Sent: 15 April 2024 17:42:07  
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
Cc: [REDACTED]  
Subject: Re:[## 38829 ##] FOI

Hi

Yes this has been run.

We are showing all emails in our search to or from Hilary with the key words mentioned.

Point 4 we cannot do. We could search for all emails everywhere in the time period mentioning Marlow FM if you want??

— on Mon, 15 Apr 2024 17:13:57 +0100 "Hilary Martin" <hilarymartin@marlow-tc.gov.uk> wrote —

Many thanks [REDACTED]

Yes the [REDACTED] came today and installed. Please let me know when you want to do the phone install?

Please can you run the request from the date you received on my emails with the keywords listed below and emails to my address from Cllr Heap. The provision of information is very clear in the FOI 2000 act.

Section 1(4) (with my emphasis added)  
The information—

(a)in respect of which the applicant is to be informed under subsection (1)(a), or

(b)which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request from now.

We will act on the second request once it is requested in the past as it is not currently a valid FOI. I have copied in [REDACTED] and [REDACTED] to receive the data from you, as the data request is solely on my emails.

Many thanks

Hilary

Mrs Hilary Martin PSLCC  
Town Clerk

MARLOWTOWNCOUNCIL  
Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

01628 484024  
hilarymartin@marlow-tc.gov.uk

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Sent: 15 April 2024 16:01:09  
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
Subject: Re:[## 38829 ##] FOI

Hi

I hope all is well. I see Openreach installed the cable so we will be up to liven that and plan the phone moves.

This will be in effect 2 FOI requests.

I am guessing you can find the email referred to in question 1.

How I plan to encode this request is to only scan your mailbox as they are only requesting email to and from yourself. I will search for

M132.23  
8th April  
8 Apr  
8/4/24  
8/4/2024  
Buckinghamshire Council  
Marlow FM  
MFM

point 4 looks almost impossible.... any member of the public?? This would almost be a manual search of all emails.

The question is do you want us to run the first one now, or wait till the end date and grab them all in one hit?

All the best

█

--- on Mon, 15 Apr 2024 14:57:30 +0100 "Hilary Martin"<hilarymartin@marlow-tc.gov.uk> wrote ---

Dear █

We have had the following FOI in which we are taking advice on as it is asking for future emails which we do not believe is possible. However in the meantime please can you place and embargo on emails that are dates in the past whilst we seek clarification.

Dear Hilary

Marlow Town Council Agenda 16<sup>th</sup> April 2024

We would be grateful to receive the following information under the terms of the Freedom of Information Act 2000 ("Act"), and request the following emails.

For the avoidance of doubt we are setting the time period commencing immediately after the Parish Meeting at 6pm on Monday April 8<sup>th</sup> 2024 to the present time. We would request that this FOI also cover emails after the Council meeting on 16<sup>th</sup> April 2024 and for a period of seven days after. This means the period of 08 April 2024 @ 20:00 to 23 April 2024 @ 23:59

1. Email from Councillor Heap to the Clerk requesting the adding of the agenda item concerning the Parish Meeting M132.23.c
2. Any communications between yourself and any councillor (and vice versa) relating to
  1. The agenda item M132.23.c above,
  2. References to Parish Meeting of 8<sup>th</sup> April 2024
  3. References to Buckinghamshire Council but limited to the Parish Meeting of 8<sup>th</sup> April 2024, the agenda item M132.23.c and,
  4. any communications referencing members of the public (whether generally or by name) and Marlow FM.

Thanking you as always in advance

Yours sincerely

Many thanks

*Hilary*

**Mrs Hilary Martin PSLCC**  
Town Clerk

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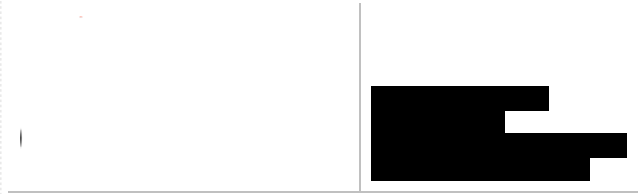
01628 484024  
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**From:** [Hilary Martin](#)  
**To:** [R. Scott](#); [Jocelyn Towns](#); [T Avery](#); [Roger Wilson](#); [N Marshall](#); [Chris Funnell](#); [R Cadman](#); [Carol Heap](#); [Chris Hoyle](#); [Colleen Stapley - Marlow Town Council](#); [David Brown](#); [Natalia Mityaeva](#)  
**Subject:** [REDACTED] Email  
**Date:** 16 April 2024 09:24:31

---

Dear members

Please see below which has been sent to the [REDACTED] of the Parish Meeting held on April 8<sup>th</sup> and copied to Council from the [REDACTED].

*The [REDACTED] has received a notification from Marlow Town Council confirming that a parish meeting was held on 8 April 2024 and that you presided at the meeting. At the meeting Polls were called for and the wording of the questions for the poll agreed by more than a third of the electorate that were present in the room each time.*

*The [REDACTED] has therefore reviewed the information provided, including the questions requested for polling, and has concluded that two of those questions satisfy the legal criteria for proceeding to a poll as set out in Schedule 12 of the Local Government Act 1972 and case law. However, a number of the questions do not fulfil the required criteria, and therefore will not proceed to a poll. An explanation of this decision, and the next steps for this matter, are set out below.*

*Requirements for a poll to proceed*

*Parish poll questions must be clear, unambiguous, and capable of producing a “yes” or “no” response only. The questions should relate to a parish affair. Additionally, case law has established that the Returning Officer may not grant a poll where its purpose is devoid of practical application.*

*The following two questions fulfil this criteria and will therefore proceed to a poll.*

1. *“Do you wish Marlow Film Studios to be built?”*

*Proposer, [REDACTED]*

2. *“Do you want development in the greenbelt on the scale proposed by the Marlow Film Studio?”*

*Proposer [REDACTED]*

*The following questions (numbering added for ease of reference) will not proceed to poll and the reasons for this are set out below:*

- 3) *“Do you think that the following Councillors should resign Cllr Stapley, Cllr Scott, Cllr Funnell?”*

*Proposer, [REDACTED]*

*As a ‘poll question’ this is devoid of practical application, and therefore does not meet the required criteria. This is because neither the parish council nor the parish meeting can make*

*the outcome of the proposed question happen. A resignation is the personal choice of a Councillor. A Councillor resigns by handing a notice to the Chairman of their Council. It is not within the power of a parish council or parish meeting to request a Councillor resignation. The question as worded is not the same, for example, as a request for a vote of no confidence by the Town Council.*

*However, the resolution of the parish meeting can be passed on to the Town Council or to the three Councillors as an expression of opinion from that body.*

*4) Facts obtained by FOI show that Cllr Scott has not acted with integrity, accountability and openness and therefore should resign, do you agree?*

*5) Facts obtained by FOI show that Cllr Stapley has not acted with integrity, accountability and openness and therefore should resign do you agree?*

*6) Facts obtained by FOI show that Cllr Funnell has not acted with integrity, accountability and openness and therefore should resign do you agree?*

*#####*

*Similarly, the three questions above are also devoid of practical application, and therefore do not meet the required criteria. The Town Council can't conclude that the Councillors have failed to meet these Code of Conduct requirements; only Buckinghamshire Council can do that through the complaints process; and those councillors have not been found in breach of the Code. The questions are not a fact, nor something the Town Council can determine. Consequently, the questions could be also potentially libellous.*

#### *Next Steps*

*The [REDACTED] will now determine the date of poll for questions 1) and 2), and give notice to the proposer of the questions once a day of poll is set. This will depend on the polling place availability (6 polling places are likely to be required) and timescales required for organising the poll. You will be aware of the national election taking place on 2 May 2024 to elect the Police and Crime Commissioner for Thames Valley area. Parish polls cannot be combined with other polls, and therefore this date is not available.*

*Those motions passed at the parish meeting and agreed by the [REDACTED] questions 1) and 2), will be reproduced as the questions on the ballot paper. There can be no further changes made to the wording as once the questions have been agreed at the parish meeting they cannot be changed.*

*The local government electors in the parish area of Marlow Town Council will be polled. Polling hours are 4pm until 9pm on polling day. There is no provision for poll cards to be sent for parish polls. Marlow Town Council will be provided with a copy of the Notice of Poll. The cost of running the poll must be recharged to the parish council. We estimate the cost of running this poll be to be around £5,300. The result of the poll is not binding, but may provide an indication of support for or opposition to specific local matters.*

*If you have any questions please let me know. We'll be in touch again once a day of poll is*

set.

Best regards,

[REDACTED]

Buckinghamshire Council

Best wishes

*Hilary*

**Mrs Hilary Martin PSLCC**  
**Town Clerk**

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Pound Lane  
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