

**From:** [Hilary Martin](#)  
**To:** [REDACTED]  
**Subject:** FOI  
**Date:** 15 April 2024 14:57:30

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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 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**

**MARLOWTOWNCOUNCIL**

Court Garden  
Pound Lane  
Marlow  
Bucks SL7 2AG

01628 484024

hilarymartin@marlow-tc.gov.uk

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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](#)  
**Cc:** [REDACTED]  
**Subject:** FOI  
**Date:** 15 April 2024 16:57:40

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Dear members

The office has today received the following FOI. We have not redacted the applicants information as they will be placing the request in the public domain.

Town Clerk - Marlow Town Council

Dear Hilary

Marlow Town Council Agenda 16th 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 8th 2024 to the present time. We would request that this FOI also cover emails after the Council meeting on 16th 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

Email from Councillor Heap to the Clerk requesting the adding of the agenda item concerning the Parish Meeting M132.23.c

Any communications between yourself and any councillor (and vice versa) relating to

The agenda item M132.23.c above,

References to Parish Meeting of 8th April 2024

References to Buckinghamshire Council but limited to the Parish Meeting of 8th April 2024, the agenda item M132.23.c and,

any communications referencing members of the public (whether generally or by name) and Marlow FM.

Thanking you as always in advance

Yours sincerely

[REDACTED]  
Marlow FM  
[REDACTED]

Officers have contacted our provider [REDACTED] who have agreed with us on the following.

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.

So to summarise the FOI request cannot be made in advance. The request will be answered with data that is

currently held from the point of receipt. The applicant will need to make a further request for future data.

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]  
**To:** [Hilary Martin](#)  
**Cc:** [REDACTED]  
**Subject:** Further FOI Request  
**Date:** 15 April 2024 14:20:04

---

Town Clerk - Marlow Town Council

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

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  - a. The agenda item M132.23.c above,
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  - d. any communications referencing members of the public (whether generally or by name) and Marlow FM.

Thanking you as always in advance

Yours sincerely

[REDACTED]

**Marlow FM**

[REDACTED]

#####

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** [Hilary Martin](#)  
**To:** [REDACTED]  
**Subject:** Fw: Marlow Parish Poll  
**Date:** 15 April 2024 14:41:28

---

FYI

Hils

*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 14:28  
**To:** [REDACTED] >  
**Cc:** [REDACTED] Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Subject:** Marlow Parish Poll

Sent on behalf of the [REDACTED]

Dear [REDACTED]

The [REDACTED] [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] [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 [REDACTED] [REDACTED] 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] [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] [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

[REDACTED]

[REDACTED]

[REDACTED]

The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

---

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

Dear [REDACTED] [REDACTED]

A Parish meeting called by the electorate was held on April 8th. I have copied in [REDACTED] [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] [REDACTED] address as above

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

Proposer, [REDACTED] [REDACTED]

Do you wish Marlow Film Studios to be built?

Proposer, [REDACTED] [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 #####

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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**From:** [REDACTED]  
**Subject:** Marlow Parish Poll  
**Date:** 15 April 2024 14:29:06  
[REDACTED] [Hilary Martin](#)

---

Sent on behalf of the [REDACTED] [REDACTED]

Dear [REDACTED]

The [REDACTED] [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] [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 [REDACTED] [REDACTED] 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?”  
[REDACTED]
2. “Do you want development in the greenbelt on the scale proposed by the Marlow Film Studio?”  
[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?
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- 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.

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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]  
[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] of [REDACTED]

##### who was appointed ##### of the meeting by the electorate so you can communicate with him directly.

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Proposer, #####, address as above

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

Proposer, #####

Do you wish Marlow Film Studios to be built?

Proposer, ##### address as above

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Proposer #####

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*

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Court Garden

Pound Lane

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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]  
**To:** [Hilary Martin](#); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: [EXTERNAL] Re: Marlow Parish Poll  
**Date:** 15 April 2024 17:19:25

---

Hello Hilary,

Yes, you can share the email at the meeting.

Best regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
Buckinghamshire Council

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

---

**From:** Hilary Martin <hilarymartin@marlow-tc.gov.uk>  
**Sent:** Monday, April 15, 2024 3:11 PM  
**To:** [REDACTED]  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] 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**

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Pound Lane

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Bucks SL7 2AG

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

Sent on behalf of the [REDACTED]

Dear [REDACTED]

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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]

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Proposer, #####

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### Next Steps

The ##### 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 ##### (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,

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Buckinghamshire Council

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**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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