

From: [REDACTED]
To: [Chris Funnell](#)
Subject: Council legal matter
Date: 03 October 2023 20:23:42

Chris

Thanks for the call earlier. A few pointers re: the parish meeting/parish poll issue. This information is being provide in confidence to you and, as we said on the phone, is not legal advice to the parish council. I'll give you a call at 10 am.

Convening: yes a parish meeting can be called/convened by 6 electors; it's the convenors who have to issue the notice (time and place and business) and agenda and sign it.

Minimum notice of parish meeting: normally a minimum notice of 7 clear days is needed

Council/Parish Meeting: a parish meeting is entirely separate from a parish/town council except that, if present, the chairman of the council has to preside (indeed the chairman has a right to attend)

Quorum: two electors

Decisions: taken by the majority of those electors present and voting. Voting doesn't have to follow any particular format (unlike council meetings) so a show of hands is ok or by voice

Poll: this has to be "demanded" by the parish meeting – and must be demanded not later than the end of the meeting in question; it must be proposed and seconded; the wording has to be clear and the proposition must be capable of a Yes or No answer so that if a poll is agreed upon, it can be voted on by the wider electorate in a Yes or No way

Number required to demand a poll: ten electors or a third of those electors present must demand it; no vote is taken on whether the poll should happen; only on the actual wording of the proposition – that wording is what would appear on the ballot paper when the poll takes place

Subject of the poll: it should relate to "parish/town affairs" (not issues that affect all parishes equally); and as the cost of the poll is born by the parish/town council, the object of the poll should be something that the parish council could actually do (if it wishes to)

Procedure after poll determined: chairman of the meeting must immediately notify the Returning Officer who will arrange for the poll to be held; the name and address of the proposer should be supplied to the Returning Officer by the chairman. Poll must be held within 14 and 25 days of the passing of the resolution. The notice of poll – including details of the question to be asked – must be given not less than 5 working days before the poll. Poll will be held on the relevant day between 1600 hours and 2100 hours. Some normal rules of ballots don't apply: only in-person voting is possible; no poll cards issued etc.

Effect of the poll vote – not binding: if the proposition requests the parish/town council to do something then the outcome is not binding on the parish/town council (except where the resolution asks the council to provide allotments) and it can't be enforced

Costs: of arranging the poll fall to the parish/town council

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

The Gateway
Aylesbury

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 3, 2023 15:53

To: [REDACTED]

Subject: [EXTERNAL] Council legal matter

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

[REDACTED]

Could you spare 10 minutes for a call ,I have an urgent procedural matter at MTC which I need to get my head around to advise

our membership on .

kind regards

Chris

Chris Funnell
Council Leader



MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
Marlow
Bucks SL7 2AG

T: 01628 484024

[REDACTED]

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Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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Aylesbury

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 3, 2023 15:53

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Chris Funnell
Council Leader



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From: [Monitoring Officer Mailbox](#)
To: [REDACTED]
Cc: [Monitoring Officer Mailbox](#); [Hilary Martin](#)
Subject: Last week's Parish meeting and Buckinghamshire Council Planning Committee (23/10/2023)
Date: 26 October 2023 11:48:43
Attachments: [Buckinghamshire Council Constitution - Arrangement for Dealing with Complaints Against Councillors.pdf](#)

Dear [REDACTED]

Thanks for your email to the Monitoring Officer. I've been asked to reply. Mrs Martin is quite right that if you have any concern that a councillor of Marlow Town Council has breached their [Member Code of Conduct](#), then you can use the link supplied by Mrs Martin, or reply to this email address, to set out your concerns.

Buckinghamshire Council can only review a complaint if the Code is engaged, so any indication as to which aspect of the Code is of concern is always useful. Other than that, the governance of Marlow TC is a matter for Town Council, and I can see that Mrs Martin has already replied to you on those points.

In addition to the link below, I attach Buckinghamshire Council's *Arrangements for dealing with complaints against councillors*.

With regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Thursday, October 26, 2023 9:55 AM
To: [REDACTED]
Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Fw: Last week's Parish meeting and Buckinghamshire Council Planning Committee (23/10/2023)

Dear [REDACTED]

Thank you for your email, you are correct that decisions made by Marlow Town Council must be made at a formal meeting with an agenda and be available to the public. I see you have now written separately to the monitoring officer so I have copied them in. I have answered your questions below. Any concerns or complaints about the conduct of Councillors are not investigated by Marlow Town Council Officers and need to be reported to the monitoring officer

at Buckinghamshire Council.

<https://www.buckinghamshire.gov.uk/your-council/contact-and-complaints/complain-about-councillor/>

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL
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01628 484024

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From: [REDACTED]

Sent: 24 October 2023 10:48

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

Subject: Last week's Parish meeting and Buckinghamshire Council Planning Committee (23/10/2023)

Dear Ms Martin,

I may have misheard or misunderstood comments that were made at both of the above meetings. I am concerned because I have always understood that council decisions should be made and announced in formal, quorate, recorded sessions that are, as a matter of democratic principle, open to the general public. I realise that sometimes emergency or other meetings

might be held in full, or in part, in a closed session (for example, to protect personal privacy). However, the matter that I am raising does not fall into such a category.

I thought that I heard at the Parish meeting that a "private" meeting had taken place among councillors and that this group decided to support the planning application for the Marlow Film Studios. If this is the case my questions are:

1. Where and when did this meeting take place? I understand that Councillors had a private group meeting on August 24th
2. Were you, or your deputy, present? No
3. Why were no notes taken? I am unable to answer as no Officers were present
4. Who was present at the "private" meeting? I am unable to answer as no Officers were present
5. Who signed the letter and in what capacity/capacities? The letter is available on the planning portal, 22/06443/FULEA <https://publicaccess.wycombe.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>
6. To whom was the letter addressed? The letter is available on the planning portal 22/06443/FULEA <https://publicaccess.wycombe.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>
7. Was the decision to support the application taken in any way under the auspices of Marlow Town Council? The meeting on August 24th was not an official meeting of Marlow Town Council
8. If the authority of Marlow Town Council, or if any of the signatories wrote under their status of "Councillor", could you please let me have a copy of the letter under the terms of the Freedom of Information Act? The letter is publicly available on the planning portal <https://publicaccess.wycombe.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>
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10. Did you or any member of your staff advise those present at the meeting of the lawfulness of the nature of the meeting as well as any decision or action that was consequent to it? No advice was given at the meeting, Officers were not present at the meeting, advice had been given previously that any comment on the application should be made at a Town Council or Planning Committee meeting.
11. If so, what was that advice? answered above

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comment on this.

Have, in your view, any Marlow Town Councillors behaved improperly by making decisions in private and communicated to Buckinghamshire Council Planning Committee in a manner which misrepresented themselves, as other than private citizens, or in a manner that purported to represent Marlow Town Council itself? Link above to the Monitoring Officer

If any improper conduct or action has taken place, councillors at the "private" meeting could be subject to censure. Would you please advise me how redress should be sought, if this applies. Link above to the Monitoring Officer

Yours sincerely,

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[REDACTED]
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Legal & Democratic Services
Buckinghamshire Council
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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Cc: [Monitoring Officer Mailbox](#)
Subject: Marlow Film Studios
Date: 15 September 2023 09:21:10

Hi Hilary

You're possibly aware of the post by Marlow Film Studios
<https://mailchi.mp/7ba4e2412ad1/overwhelming-industry-demand-in-the-south-east-13560429?e=ae9618d0f1>

It has been forwarded to us by a resident who believes some clarification of the Town Council's position (to Marlow Film Studios) is necessary. We have said that this is not for Buckinghamshire Council to comment upon and so will leave it with you for any action your Council believes it necessary to take or not.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 3:23 PM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

Thanks [REDACTED]

It is a very difficult and sensitive situation as Councillors have acted against Officers advice and Governance.

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

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Court Garden
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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 15:10

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for asking. I don't think the below necessarily needs to be forwarded to the councillors as it is not, in itself, an answer to the complaints. We'd intended the email as advice to you on how the TC as an organisation might respond to the complaints – advice you could take or leave. And as an indication why we consider the issues raised to be more properly about governance than the Code of Conduct, at this stage. That is, the governance around the TC distancing itself from the comments and the TC advising its own members, in their constituency capacities, on possible ways of being clearer about their intentions.

That said, I've no problem you letting members know that you've spoken to Bucks Council and the initial advice to you is that this is for the TC to handle, in the first instance.

I presume the outcome of the complaints will be what you send to the complainants, possibly having spoken to your members first about whether they wish to express themselves differently.

Hope that helps.

With regards

[REDACTED]


Governance Officer
Legal & Democratic Services
Buckinghamshire Council


From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 2:48 PM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO 

Many thanks 

Are you happy with your response being shared with the Councillors as they will want to know the outcome of the complaints.

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

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Pound Lane
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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Sent: 13 September 2023 12:54
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox

<monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Really useful to see that, thanks. All very unfortunate.

The key point is probably – can constituency councillors of MTC in their personal capacity send in a letter of support? Yes they can. That, effectively, is what this is. They've just dressed it up in semi-official language.

Would be better if – the submission had simply said: "We the undersigned members of MTC hereby give our personal support for the application. These are not the views of MTC but our own". And take out all references to voting, interests, discussion, no clerk present – as all of those things are immaterial to what they are actually doing which is, personally supporting the application.

Wrong – or at least misleading - to say: "*Marlow Town Council* has therefore informally consulted its entire membership group...". He may have meant simply 'Members of MTC informally got together...'. Whereas, here, MTC as an organisation presumably didn't consult them at all – unless there was a formal decision to do so or the Clerk/Deputy Clerk did so?

As such, having discussed the matter here, we consider that the matter is not yet at Code of Conduct stage. Rather we think that you as Clerk could probably point out to your members that the submission is misleading as the arrival of the recent complaints clearly shows ; that it was not the case that MTC informally consulted members; and ask them – so as to avoid any confusion – to amend or resubmit the response without reference to MTC or voting or conflicts of interest or recorded votes and simply to make it clear that this is a statement from a named list of constituency councillors. That would better protect/reflect the position of MTC – which is otherwise being implicated by the way this has been expressed.

See what you think.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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

Sent: Wednesday, September 13, 2023 11:55 AM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

[Please note this has been sent from an **external source** - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

Dear [REDACTED]

Please find attached document, which is the statement that the complaints are about. This was not an official meeting, with an agenda or officers present.

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: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:36

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for coming back so quickly and for sight of the complaints. I agree, they do appear to be about TC governance. And so they don't need to be answered by Buckinghamshire Council as Code complaints. We don't have any role in reviewing the actions or decision making of the Town Council. Happy for you to respond to them as part of normal business or your corporate complaints process.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 11:09 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

Many thanks [REDACTED] the complaints are about Governance and that correct procedures were not followed so we will send them on to you.

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
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01628 484024

hilarymartin@marlow-tc.gov.uk

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hello Hilary

If the complaints you have received are about comments made by Cllr Scott re: Marlow Film Studio (22/06443/FULEA) - and whether these were personally made or representative of Marlow TC, then we would regard them as general complaints for Marlow TC respond to in the first instance.

It depends then whether the complaints are really about governance and allegations about the quality of decision making; or are more directly alleging that certain individuals (not the whole council or decision makers in a meeting) broke aspects of the Code.

If in doubt, happy to see them first. Thanks for checking.

Best regards

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 10:19 AM

To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>

Subject: [EXTERNAL] FAO [REDACTED] [REDACTED]

Dear [REDACTED]

I have just returned from leave to a number of complaints about Councillors which should be referred to the monitoring officer, are you happy that we proceed by acknowledging receipt and forward to you as monitoring officer?

Many thanks

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
Marlow
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01628 484024

hilarymartin@marlow-tc.gov.uk

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Cc: [Monitoring Officer Mailbox](#)
Subject: Marlow Film Studios
Date: 15 September 2023 09:21:10

Hi Hilary

You're possibly aware of the post by Marlow Film Studios
<https://mailchi.mp/7ba4e2412ad1/overwhelming-industry-demand-in-the-south-east-13560429?e=ae9618d0f1>

It has been forwarded to us by a resident who believes some clarification of the Town Council's position (to Marlow Film Studios) is necessary. We have said that this is not for Buckinghamshire Council to comment upon and so will leave it with you for any action your Council believes it necessary to take or not.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 3:23 PM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

Thanks [REDACTED]

It is a very difficult and sensitive situation as Councillors have acted against Officers advice and Governance.

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: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 15:10

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for asking. I don't think the below necessarily needs to be forwarded to the councillors as it is not, in itself, an answer to the complaints. We'd intended the email as advice to you on how the TC as an organisation might respond to the complaints – advice you could take or leave. And as an indication why we consider the issues raised to be more properly about governance than the Code of Conduct, at this stage. That is, the governance around the TC distancing itself from the comments and the TC advising its own members, in their constituency capacities, on possible ways of being clearer about their intentions.

That said, I've no problem you letting members know that you've spoken to Bucks Council and the initial advice to you is that this is for the TC to handle, in the first instance.

I presume the outcome of the complaints will be what you send to the complainants, possibly having spoken to your members first about whether they wish to express themselves differently.

Hope that helps.

With regards

[REDACTED]


Governance Officer
Legal & Democratic Services
Buckinghamshire Council


From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 2:48 PM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO 

Many thanks 

Are you happy with your response being shared with the Councillors as they will want to know the outcome of the complaints.

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: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Sent: 13 September 2023 12:54
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox

<monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Really useful to see that, thanks. All very unfortunate.

The key point is probably – can constituency councillors of MTC in their personal capacity send in a letter of support? Yes they can. That, effectively, is what this is. They've just dressed it up in semi-official language.

Would be better if – the submission had simply said: "We the undersigned members of MTC hereby give our personal support for the application. These are not the views of MTC but our own". And take out all references to voting, interests, discussion, no clerk present – as all of those things are immaterial to what they are actually doing which is, personally supporting the application.

Wrong – or at least misleading - to say: "*Marlow Town Council* has therefore informally consulted its entire membership group...". He may have meant simply 'Members of MTC informally got together...'. Whereas, here, MTC as an organisation presumably didn't consult them at all – unless there was a formal decision to do so or the Clerk/Deputy Clerk did so?

As such, having discussed the matter here, we consider that the matter is not yet at Code of Conduct stage. Rather we think that you as Clerk could probably point out to your members that the submission is misleading as the arrival of the recent complaints clearly shows ; that it was not the case that MTC informally consulted members; and ask them – so as to avoid any confusion – to amend or resubmit the response without reference to MTC or voting or conflicts of interest or recorded votes and simply to make it clear that this is a statement from a named list of constituency councillors. That would better protect/reflect the position of MTC – which is otherwise being implicated by the way this has been expressed.

See what you think.

Best regards

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 11:55 AM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

[Please note this has been sent from an **external source** - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

Dear [REDACTED]

Please find attached document, which is the statement that the complaints are about. This was not an official meeting, with an agenda or officers present.

Many thanks

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
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01628 484024

hilarymartin@marlow-tc.gov.uk

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:36

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for coming back so quickly and for sight of the complaints. I agree, they do appear to be about TC governance. And so they don't need to be answered by Buckinghamshire Council as Code complaints. We don't have any role in reviewing the actions or decision making of the Town Council. Happy for you to respond to them as part of normal business or your corporate complaints process.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 11:09 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

Many thanks [REDACTED] the complaints are about Governance and that correct procedures were not followed so we will send them on to you.

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hello Hilary

If the complaints you have received are about comments made by Cllr Scott re: Marlow Film Studio (22/06443/FULEA) - and whether these were personally made or representative of Marlow TC, then we would regard them as general complaints for Marlow TC respond to in the first instance.

It depends then whether the complaints are really about governance and allegations about the quality of decision making; or are more directly alleging that certain individuals (not the whole council or decision makers in a meeting) broke aspects of the Code.

If in doubt, happy to see them first. Thanks for checking.

Best regards

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 10:19 AM

To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>

Subject: [EXTERNAL] FAO [REDACTED] [REDACTED]

Dear [REDACTED]

I have just returned from leave to a number of complaints about Councillors which should be referred to the monitoring officer, are you happy that we proceed by acknowledging receipt and forward to you as monitoring officer?

Many thanks

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
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hilarymartin@marlow-tc.gov.uk

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From: [REDACTED]
To: [Hilary Martin](#)
Subject: Message - will call you after 11 if ok
Date: 15 September 2023 09:54:09

Hi Hilary

Thanks for your voicemail. Just in a call but hope to be able to ring you back sometime after 11 if that's ok

Best regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]
The Gateway
Aylesbury



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To: [Hilary Martin](#)
Subject: Message - will call you after 11 if ok
Date: 15 September 2023 09:54:09

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[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]
[REDACTED]
The Gateway
Aylesbury



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From: [REDACTED]
To: [Hilary Martin](#)
Subject: PC 75 - Member Code of Conduct Complaint (Cllr Richard Scott)
Date: 03 October 2023 14:18:05
Attachments: [Buckinghamshire Council Constitution - Arrangement for Dealing with Complaints Against Councillors.pdf](#)

Hi Hilary

I thought you might want to see the content of what we said to [REDACTED] [REDACTED] in relation to his recent complaint, insofar as it related to the Code of Conduct.

We said:

Dear [REDACTED] [REDACTED]

Marlow Town Clerk has passed your complaint about Cllr Richard Scott to the Monitoring Officer. This is the [REDACTED] Monitoring Officer, [REDACTED] **Initial Assessment** response under the Council's attached *Arrangements for dealing with complaints against councillors*.

Complaints about councillors can only be considered against the relevant Member Code of Conduct and under the principal council's *Arrangements* (attached). Your complaint raises several matters. Broadly it is "regarding the process which led to the comment lodged on the BC Planning Portal". You raised several concerns. These are, at root, questions about Marlow Town Council's own governance and the actions of its councillors in their constituency role.

An **Initial Assessment** under the councillor complaints procedure determines whether the Code of Conduct is in fact engaged. Two elements apply: firstly that the councillor must have been acting as a councillor and in this case Cllr Scott was; secondly, if proved, could any of the behaviours be said to amount to a breach of the Code? In this case, the [REDACTED] Monitoring Officer concludes that they could not.

Rationale

Cllr Scott's original post did make it clear that the post was an informal matter and did not amount to a view of Marlow Town Council as a formal body. In effect, the submission was a personal one made by some councillors in their constituency capacity. The submission was unusual in that it referred to a vote and to a note of the meeting which was entirely unnecessary for the submission of a personal, constituency view. No one needs to vote in order to submit a personal view. So it is not disputed that the post caused consternation and some confusion. However, the post did clearly say that it was not a formal one on behalf of the Town Council. It cannot be said to have been deliberately misleading. The events leading to it were simply unusual.

It is not the role of the Code of Conduct nor the complaints procedures to regulate the content and activity of constituency councillor work. As such the complaints about Cllr Scott as an individual cannot be taken forward. Rather, it is for the Town Council itself

should it wish – and its councillors as individuals – to explain what took place, the extent to which the Council's Standing Orders were relevant or applicable, and to learn any governance lessons from the experience.

It may be that by now Cllr Scott has amended, or will amend, his submission. However that is his choice and that of his fellow councillors who likewise were making an expression of support. It cannot be mandated by the Code of Conduct nor the complaints process.

I hope this explains why the concerns you raised do not engage Marlow TC's Member Code of Conduct and why Marlow Town Council itself may wish to address any aspect of your complaint as an expression of concern about its governance.

With regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

From: [REDACTED]
Sent: 22 September 2023 13:59
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: Chris Funnell <cfunnell@marlow-tc.gov.uk>; David Brown <dbrown@marlow-tc.gov.uk>
Subject: Statement in support of Planning Application by [REDACTED] 22/06443/FULEA

Dear Hilary

My purpose in writing to you in your capacity as Clerk to MTC is to register a formal complaint regarding the process which led to the comment lodged on the BC Planning Portal re this application by Cllr Richard Scott.

The basis of my complaint is that the meeting to which he refers in his comment which was apparently held on 24th August 2023 was unconstitutional, was not appropriately convened or minuted and the 'conclusions' were added to the planning portal in such a way as to appear to represent the views of MTC as a democratically elected body.

MTC has previously persisted in refusing to either engage its constituents or to hold a suitable meeting at which their views might be aired and a well-informed discussion could be appropriately conducted and minuted. This refusal has been made on the basis that MTC is not a statutory consultee. However it has long been recognised by the Council that this application is of major significance to Marlow residents and about which there are opinions and evidence both in support and in objection.

The claims made by Cllr Scott regarding the level of support for this application are misleading as many representations in support have come from individuals with no local connections or interest and the assessment of the potential benefits and promises made by [REDACTED] [REDACTED] should have taken account of the fact that the applicant is not in a position to deliver or keep them as is not a functioning business, merely a property development company. The note made about the still unresolved travel plans fails to do justice to the very significant upheaval and damage to residents' lifestyles that approval of the application will entail.

In summary I must ask you to ensure that Cllr Scott's letter is withdrawn and that when MTC convenes to review the application it is done with the due notice being given at a formally constituted and minuted meeting.

I look forward to receiving your reply with further detail about how my complaint is to be dealt with.

Best wishes

[REDACTED]
[REDACTED]
[REDACTED]



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From: [REDACTED]
To: [Hilary Martin](#)
Subject: PC 75 - Member Code of Conduct Complaint (Cllr Richard Scott)
Date: 03 October 2023 14:18:05
Attachments: [Buckinghamshire Council Constitution - Arrangement for Dealing with Complaints Against Councillors.pdf](#)

Hi Hilary

I thought you might want to see the content of what we said to [REDACTED] [REDACTED] in relation to his recent complaint, insofar as it related to the Code of Conduct.

We said:

Dear [REDACTED] [REDACTED]

Marlow Town Clerk has passed your complaint about Cllr Richard Scott to the Monitoring Officer. This is the [REDACTED] Monitoring Officer, [REDACTED] **Initial Assessment** response under the Council's attached *Arrangements for dealing with complaints against councillors*.

Complaints about councillors can only be considered against the relevant Member Code of Conduct and under the principal council's *Arrangements* (attached). Your complaint raises several matters. Broadly it is "regarding the process which led to the comment lodged on the BC Planning Portal". You raised several concerns. These are, at root, questions about Marlow Town Council's own governance and the actions of its councillors in their constituency role.

An **Initial Assessment** under the councillor complaints procedure determines whether the Code of Conduct is in fact engaged. Two elements apply: firstly that the councillor must have been acting as a councillor and in this case Cllr Scott was; secondly, if proved, could any of the behaviours be said to amount to a breach of the Code? In this case, the [REDACTED] Monitoring Officer concludes that they could not.

Rationale

Cllr Scott's original post did make it clear that the post was an informal matter and did not amount to a view of Marlow Town Council as a formal body. In effect, the submission was a personal one made by some councillors in their constituency capacity. The submission was unusual in that it referred to a vote and to a note of the meeting which was entirely unnecessary for the submission of a personal, constituency view. No one needs to vote in order to submit a personal view. So it is not disputed that the post caused consternation and some confusion. However, the post did clearly say that it was not a formal one on behalf of the Town Council. It cannot be said to have been deliberately misleading. The events leading to it were simply unusual.

It is not the role of the Code of Conduct nor the complaints procedures to regulate the content and activity of constituency councillor work. As such the complaints about Cllr Scott as an individual cannot be taken forward. Rather, it is for the Town Council itself

should it wish – and its councillors as individuals – to explain what took place, the extent to which the Council's Standing Orders were relevant or applicable, and to learn any governance lessons from the experience.

It may be that by now Cllr Scott has amended, or will amend, his submission. However that is his choice and that of his fellow councillors who likewise were making an expression of support. It cannot be mandated by the Code of Conduct nor the complaints process.

I hope this explains why the concerns you raised do not engage Marlow TC's Member Code of Conduct and why Marlow Town Council itself may wish to address any aspect of your complaint as an expression of concern about its governance.

With regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

From: [REDACTED]
Sent: 22 September 2023 13:59
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
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MTC has previously persisted in refusing to either engage its constituents or to hold a suitable meeting at which their views might be aired and a well-informed discussion could be appropriately conducted and minuted. This refusal has been made on the basis that MTC is not a statutory consultee. However it has long been recognised by the Council that this application is of major significance to Marlow residents and about which there are opinions and evidence both in support and in objection.

The claims made by Cllr Scott regarding the level of support for this application are misleading as many representations in support have come from individuals with no local connections or interest and the assessment of the potential benefits and promises made by [REDACTED] [REDACTED] should have taken account of the fact that the applicant is not in a position to deliver or keep them as is not a functioning business, merely a property development company. The note made about the still unresolved travel plans fails to do justice to the very significant upheaval and damage to residents' lifestyles that approval of the application will entail.

In summary I must ask you to ensure that Cllr Scott's letter is withdrawn and that when MTC convenes to review the application it is done with the due notice being given at a formally constituted and minuted meeting.

I look forward to receiving your reply with further detail about how my complaint is to be dealt with.

Best wishes

[REDACTED]
[REDACTED]
[REDACTED]



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From: [Monitoring Officer Mailbox](#)
To: [REDACTED]
Cc: [Monitoring Officer Mailbox](#); [Hilary Martin](#)
Subject: PC 78 - Member Code of Conduct Complaint (Marlow TC)
Date: 25 October 2023 16:53:47
Attachments: [Buckinghamshire Council Constitution - Arrangement for Dealing with Complaints Against Councillors.pdf](#)

Dear [REDACTED]

Your complaint about the actions of Cllr Richard Scott has been passed to the Monitoring Officer. This is the [REDACTED] Monitoring Officer, [REDACTED] **Initial Assessment** of your complaint under the Council's attached *Arrangements for dealing with complaints against councillors* (attached).

Buckinghamshire Council can only review a complaint about a councillor if the complaint engages the **Member Code of Conduct** (Marlow Town Council's in this case). The Council can't investigate the actions of councillors in their constituency capacity or investigate why members of a parish/town council have chosen to act in particular ways; nor can we comment on, or investigate, the governance of the Town Council.

An **Initial Assessment** under the councillor complaints procedure determines whether the Code of Conduct is in fact engaged. Two elements apply: firstly that the councillor must have been acting as a councillor and in this case Cllr Scott was; secondly, if proved, could any of the behaviours be said to amount to a breach of the Code? In this case, the [REDACTED] Monitoring Officer concludes that they could not.

Outcome

Your original concern of 11 September raised several matters. However, these are not complaints that engage the Code of Conduct but instead ask for explanations of certain actions:

1. **Why** has Cllr Scott commented as a member of the public yet represented the objection as an MTC formal objection? Is this correct procedure to formally document private meeting votes on a planning comment and not to the public first?
2. **Can a Cllr comment** about MTC in this way at all when just representing himself as a neighbouring Parish resident?
3. With regards to figures on objections, the portal shows over 80% of local residents as objecting to this proposal - **why are Cllr Scott's figures not including these**? There are objections in place by all the main bodies, Thames Water, Highways and Environment yet none of these are mentioned

None of these points engages the Code of Conduct. In relation to **1)** a councillor can submit a comment as an individual just as any other member of the public can; and can do so as a constituency councillor too; the signatories didn't represent the views as those of 'Marlow Town Council'; in fact the submission specifically said they were not the view of the Council; **2)** a constituency councillor can have a view and can make a comment about

a matter whether their council formally does so or not; **3)** Cllr Scott would need to answer for himself as to why he responded in the way that he did. Given that a councillor *can* do these things, it follows that the Member Code of Conduct is not engaged.

The original post by Cllr Scott and fellow councillors did make it clear that the post was an informal matter and did not amount to a view of Marlow Town Council as a formal body; and that, in effect, their submission was a personal one made by some councillors in their constituency capacity. The submission was admittedly unusual in that it referred to a vote and to a note of the meeting which was entirely unnecessary for the submission of a personal, constituency view: no one needs to vote in order to submit a personal view.

So it is not disputed that the post caused consternation and some confusion. However, the post did clearly say that it was not a formal one on behalf of the Town Council. It cannot be said to have been deliberately misleading. The events leading to it were simply unusual. It would be for Cllr Scott and/or Marlow Town Council to explain why this happened the way that it did e.g. the judgement that led to this action, the extent to which the Council's Standing Orders were relevant or applicable, and to learn any governance lessons from the experience. The Code of Conduct and the complaints procedures can't regulate the judgement, content or other activity of a councillor's constituency work. As such the complaints about Cllr Scott as an individual cannot be taken forward.

I hope this explains why Buckinghamshire Council is not able to take the matter forward under the Member Code process; and why we cannot review the governance of Marlow Town Council. The Town Council may wish to offer any further comment in response to your queries (numbered 1-3 above) if you wish.

With best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: [REDACTED]
Sent: Wednesday, October 25, 2023 1:41 PM
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Democracy Mailbox <democracy@buckinghamshire.gov.uk>
Cc: [REDACTED]
Subject: [EXTERNAL] Re: Complaint regarding Councillor Scott

Good afternoon,

I have not heard back since 13/09/2023 with regards to my original enquiry attached below.

Since this time we have had a further MTC meeting to respond to the way in which MTC have conducted themselves. Two votes were held, numbers not counted. The majority voted that MTC should be censured.

I continue to raise concerns regarding MTC's behaviour and their misrepresentation of Marlow residents.

Please could you provide an update as to what Bucks CC are doing about this?

Regards,

[REDACTED]

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

Sent: 13 September 2023 12:19

To: [REDACTED]

Subject: Re: Complaint regarding Councillor Scott

Good Afternoon

Your complaint has been referred to the monitoring officer at Buckinghamshire Council, [REDACTED] democracy@buckinghamshire.gov.uk.

Kind regards

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: 11 September 2023 17:13
To: [REDACTED] Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: democracy@buckinghamshire.gov.uk <democracy@buckinghamshire.gov.uk>
Subject: Re: Complaint regarding Councillor Scott

Good afternoon

Thank you for your email and I acknowledge receipt of your complaint. I would refer you to our complaints procedure and confirm that your complaint will be investigated in line with the policy. You will be contacted in due course.

[Complaints Procedure - Marlow Town Council \(marlow-tc.gov.uk\)](#)

Kind regards

[REDACTED] | [REDACTED]

MARLOWTOWNCOUNCIL

T: 01628 484024

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From: [REDACTED]

Sent: 11 September 2023 17:08

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

Cc: [REDACTED]
<democracy@buckinghamshire.gov.uk> <democracy@buckinghamshire.gov.uk>

Subject: Complaint regarding Councillor Scott

Dear Mrs Martin,

I have read the complaints procedure on the MTC website and understand I have to raise a complaint via yourself in the first instance.

I attach a recent submission by Cllr Scott with regards to the Marlow Film Studio planning application.

My queries regarding this are as follows:

- Why has Cllr Scott commented as a member of the public yet represented the objection as an MTC formal objection? Is this correct procedure to formally document private meeting votes on a planning comment and not to the public first?
- Can a Cllr comment about MTC in this way at all when just representing himself as a neighbouring Parish resident?
- With regards to figures on objections, the portal shows over 80% of local residents as objecting to this proposal - why are Cllr Scott's figures not including these? There are objections in place by all the main bodies, Thames Water, Highways and Environment yet none of these are mentioned.

I'd like to understand why a Cllr is permitted to communicate in this manner with no acknowledgement of Greenbelt which is high up on the Conservative's manifesto?

Please could you acknowledge receipt of my complaint and respond to queries confirming the formal process to progress this matter.

Kind Regards,

[REDACTED]



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From: [Monitoring Officer Mailbox](#)
To: [REDACTED]
Cc: [Monitoring Officer Mailbox](#); [Hilary Martin](#)
Subject: PC 78 - Member Code of Conduct Complaint (Marlow TC)
Date: 25 October 2023 16:53:47
Attachments: [Buckinghamshire Council Constitution - Arrangement for Dealing with Complaints Against Councillors.pdf](#)

Dear [REDACTED]

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With best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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Town Clerk

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hilarymartin@marlow-tc.gov.uk

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Kind regards

[REDACTED]

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democracy@buckinghamshire.gov.uk <democracy@buckinghamshire.gov.uk>

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Kind Regards,

[REDACTED]

[REDACTED]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#); [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 12:54:12

Hi Hilary

Really useful to see that, thanks. All very unfortunate.

The key point is probably – can constituency councillors of MTC in their personal capacity send in a letter of support? Yes they can. That, effectively, is what this is. They've just dressed it up in semi-official language.

Would be better if – the submission had simply said: "We the undersigned members of MTC hereby give our personal support for the application. These are not the views of MTC but our own". And take out all references to voting, interests, discussion, no clerk present – as all of those things are immaterial to what they are actually doing which is, personally supporting the application.

Wrong – or at least misleading - to say: "*Marlow Town Council* has therefore informally consulted its entire membership group...". He may have meant simply 'Members of MTC informally got together...'. Whereas, here, MTC as an organisation presumably didn't consult them at all – unless there was a formal decision to do so or the Clerk/Deputy Clerk did so?

As such, having discussed the matter here, we consider that the matter is not yet at Code of Conduct stage. Rather we think that you as Clerk could probably point out to your members that the submission is misleading as the arrival of the recent complaints clearly shows ; that it was not the case that MTC informally consulted members; and ask them – so as to avoid any confusion – to amend or resubmit the response without reference to MTC or voting or conflicts of interest or recorded votes and simply to make it clear that this is a statement from a named list of constituency councillors. That would better protect/reflect the position of MTC – which is otherwise being implicated by the way this has been expressed.

See what you think.

Best regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 11:55 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

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Dear [REDACTED]

Please find attached document, which is the statement that the complaints are about. This was not an official meeting, with an agenda or officers present.

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: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Sent: 13 September 2023 11:36
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for coming back so quickly and for sight of the complaints. I agree, they do appear to be about TC governance. And so they don't need to be answered by Buckinghamshire Council as Code complaints. We don't have any role in reviewing the actions or decision making of the Town Council. Happy for you to respond to them as part of normal business or your corporate complaints process.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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

Sent: Wednesday, September 13, 2023 11:09 AM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED]

Many thanks [REDACTED] the complaints are about Governance and that correct procedures were not followed so we will send them on to you.

Best wishes

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hello Hilary

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It depends then whether the complaints are really about governance and allegations about the quality of decision making; or are more directly alleging that certain individuals (not the whole council or decision makers in a meeting) broke aspects of the Code.

If in doubt, happy to see them first. Thanks for checking.

Best regards

[REDACTED]

[REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 10:19 AM

To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>

Subject: [EXTERNAL] FAO [REDACTED] [REDACTED]

Dear [REDACTED]

I have just returned from leave to a number of complaints about Councillors which should be referred to the monitoring officer, are you happy that we proceed by acknowledging receipt and forward to you as monitoring officer?

Many thanks

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Town Clerk

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#); [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 12:54:12

Hi Hilary

Really useful to see that, thanks. All very unfortunate.

The key point is probably – can constituency councillors of MTC in their personal capacity send in a letter of support? Yes they can. That, effectively, is what this is. They've just dressed it up in semi-official language.

Would be better if – the submission had simply said: "We the undersigned members of MTC hereby give our personal support for the application. These are not the views of MTC but our own". And take out all references to voting, interests, discussion, no clerk present – as all of those things are immaterial to what they are actually doing which is, personally supporting the application.

Wrong – or at least misleading - to say: "*Marlow Town Council* has therefore informally consulted its entire membership group...". He may have meant simply 'Members of MTC informally got together...'. Whereas, here, MTC as an organisation presumably didn't consult them at all – unless there was a formal decision to do so or the Clerk/Deputy Clerk did so?

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See what you think.

Best regards

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[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 11:55 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Sent: 13 September 2023 11:36
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

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Best regards

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[REDACTED] [REDACTED]

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Legal & Democratic Services
Buckinghamshire Council

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

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To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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[REDACTED]
[REDACTED]

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[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 10:19 AM

To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>

Subject: [EXTERNAL] FAO [REDACTED] [REDACTED]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#); [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 11:36:55

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[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
[REDACTED] & Democratic Services
Buckinghamshire Council
[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 11:09 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

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Town Clerk

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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[REDACTED] [REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 10:19 AM

To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>

Subject: [EXTERNAL] FAO [REDACTED] [REDACTED]

Dear [REDACTED]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#); [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]
Date: 13 September 2023 11:36:55

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[REDACTED] [REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

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Sent: Wednesday, September 13, 2023 11:09 AM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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[REDACTED]

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Legal & Democratic Services
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[REDACTED] [REDACTED]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Cc: [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 11:06:04

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Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 10:19 AM
To: Democracy Mailbox <democracy@buckinghamshire.gov.uk>
Subject: [EXTERNAL] FAO [REDACTED]

Dear [REDACTED]

I have just returned from leave to a number of complaints about Councillors which should be referred to the monitoring officer, are you happy that we proceed by acknowledging receipt and forward to you as monitoring officer?

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: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Cc: [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 11:06:04

Hello Hilary

If the complaints you have received are about comments made by Cllr Scott re: Marlow Film Studio (22/06443/FULEA) - and whether these were personally made or representative of Marlow TC, then we would regard them as general complaints for Marlow TC respond to in the first instance.

It depends then whether the complaints are really about governance and allegations about the quality of decision making; or are more directly alleging that certain individuals (not the whole council or decision makers in a meeting) broke aspects of the Code.

If in doubt, happy to see them first. Thanks for checking.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#); [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] FAO [REDACTED]
Date: 13 September 2023 15:11:02

Hi Hilary

Thanks for asking. I don't think the below necessarily needs to be forwarded to the councillors as it is not, in itself, an answer to the complaints. We'd intended the email as advice to you on how the TC as an organisation might respond to the complaints – advice you could take or leave. And as an indication why we consider the issues raised to be more properly about governance than the Code of Conduct, at this stage. That is, the governance around the TC distancing itself from the comments and the TC advising its own members, in their constituency capacities, on possible ways of being clearer about their intentions.

That said, I've no problem you letting members know that you've spoken to Bucks Council and the initial advice to you is that this is for the TC to handle, in the first instance.

I presume the outcome of the complaints will be what you send to the complainants, possibly having spoken to your members first about whether they wish to express themselves differently.

Hope that helps.

With regards

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[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: Wednesday, September 13, 2023 2:48 PM
To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>
Subject: Re: [EXTERNAL] FAO [REDACTED]

Many thanks [REDACTED]

Are you happy with your response being shared with the Councillors as they will want to know the outcome of the complaints.

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 12:54

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Really useful to see that, thanks. All very unfortunate.

The key point is probably – can constituency councillors of MTC in their personal capacity send in a letter of support? Yes they can. That, effectively, is what this is. They've just dressed it up in semi-official language.

Would be better if – the submission had simply said: "We the undersigned members of MTC hereby give our personal support for the application. These are not the views of MTC but our own". And take out all references to voting, interests, discussion, no clerk present – as all of those things are immaterial to what they are actually doing which is, personally supporting the application.

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consult them at all – unless there was a formal decision to do so or the Clerk/Deputy Clerk did so?

As such, having discussed the matter here, we consider that the matter is not yet at Code of Conduct stage. Rather we think that you as Clerk could probably point out to your members that the submission is misleading as the arrival of the recent complaints clearly shows ; that it was not the case that MTC informally consulted members; and ask them – so as to avoid any confusion – to amend or resubmit the response without reference to MTC or voting or conflicts of interest or recorded votes and simply to make it clear that this is a statement from a named list of constituency councillors. That would better protect/reflect the position of MTC – which is otherwise being implicated by the way this has been expressed.

See what you think.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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

Sent: Wednesday, September 13, 2023 11:55 AM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED]

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Dear [REDACTED]

Please find attached document, which is the statement that the complaints are about. This was not an official meeting, with an agenda or officers present.

Many thanks

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:36

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

Hi Hilary

Thanks for coming back so quickly and for sight of the complaints. I agree, they do appear to be about TC governance. And so they don't need to be answered by Buckinghamshire Council as Code complaints. We don't have any role in reviewing the actions or decision making of the Town Council. Happy for you to respond to them as part of normal business or your corporate complaints process.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

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

Sent: Wednesday, September 13, 2023 11:09 AM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: Re: [EXTERNAL] FAO [REDACTED] [REDACTED]

Many thanks [REDACTED] the complaints are about Governance and that correct procedures were not followed so we will send them on to you.

Best wishes

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:05

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

Cc: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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[REDACTED]

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With regards

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[REDACTED]

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Legal & Democratic Services
Buckinghamshire Council

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Subject: Re: [EXTERNAL] FAO [REDACTED]

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Sent: 13 September 2023 12:54

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Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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From: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Sent: 13 September 2023 11:36

To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: RE: [EXTERNAL] FAO [REDACTED] [REDACTED]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Subject: RE: [EXTERNAL] Fw: Statement in support of Planning Application by [REDACTED] 22/06443/FULEA
Date: 22 September 2023 16:26:26

Thanks Hilary

If we look at this complaint, in all likelihood we will close it as not engaging the Code of Conduct (for reasons previously expressed) and refer the complainant back to MTC to explain what happened and why in terms of its own governance, which is what this is really about. Additionally, only MTC itself will know whether it intends to make a comment on the application as a council. This Council, under a Code procedure, will not be able to require a constituency councillor to withdraw any comment.

You may wish to have your own reply in mind to the concerns below, ahead of that but I'll keep you informed.

With regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

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

Sent: Friday, September 22, 2023 4:06 PM

To: Monitoring Officer Mailbox <monitoringofficer@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Fw: Statement in support of Planning Application by [REDACTED]
22/06443/FULEA

Dear Monitoring Officer

Please see below complaint, we have informed the complainant that the email is being forwarded to you.

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: 22 September 2023 13:59
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: Chris Funnell <cfunnell@marlow-tc.gov.uk>; David Brown <dbrown@marlow-tc.gov.uk>
Subject: Statement in support of Planning Application by [REDACTED] 22/06443/FULEA

Dear Hilary

My purpose in writing to you in your capacity as Clerk to MTC is to register a formal complaint regarding the process which led to the comment lodged on the BC Planning Portal re this application by Cllr Richard Scott.

The basis of my complaint is that the meeting to which he refers in his comment which was apparently held on 24th August 2023 was unconstitutional, was not appropriately convened or minuted and the 'conclusions' were added to the planning portal in such a way as to appear to represent the views of MTC as a democratically elected body.

MTC has previously persisted in refusing to either engage its constituents or to hold a suitable meeting at which their views might be aired and a well-informed discussion could be appropriately conducted and minuted. This refusal has been made on the basis that MTC is not a statutory consultee. However it has long been recognised by the Council that this application is of major significance to Marlow residents and about which there are opinions and evidence both in support and in objection.

The claims made by Cllr Scott regarding the level of support for this application are misleading as many representations in support have come from individuals with no local connections or interest and the assessment of the potential benefits and promises made by [REDACTED] should have taken account of the fact that the applicant is not in a position to deliver or keep

them as is not a functioning business, merely a property development company. The note made about the still unresolved travel plans fails to do justice to the very significant upheaval and damage to residents' lifestyles that approval of the application will entail.

In summary I must ask you to ensure that Cllr Scott's letter is withdrawn and that when MTC convenes to review the application it is done with the due notice being given at a formally constituted and minuted meeting.

I look forward to receiving your reply with further detail about how my complaint is to be dealt with.

Best wishes

[REDACTED]
[REDACTED]
[REDACTED]



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hilarymartin@marlow-tc.gov.uk

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Best wishes

[Redacted signature block]



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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: [EXTERNAL] Parish Meeting
Date: 11 October 2023 16:40:47
Attachments: [image005.png](#)
[image006.png](#)

Thanks Chris – I did in fact connect with [REDACTED] first thing this morning, so this is indeed all squared off.

Happily, I don't think there's any substantive point on which [REDACTED] and I disagree about. I may take a more literal interpretation about who should sign the notice but as I said yesterday, the textbook (Arnold-Baker) does say that 'the council can choose to do it'. Which I think is what [REDACTED] refers to below in the Clerk having done so.

So I think we're all good on that front. Thanks for the info.

Best regards

[REDACTED]

[REDACTED]
[REDACTED]
Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Sent: Wednesday, October 11, 2023 4:31 PM
To: [REDACTED] [REDACTED] [REDACTED]@buckinghamshire.gov.uk>
Subject: FW: [EXTERNAL] Parish Meeting

[REDACTED]
Just making you aware of the below so you have background .
I appreciate that we took your thoughts in confidence ,would you be able to speak to [REDACTED]
Just to square this off ?
Happy to discuss if you need to prior ?
regards

Chris

Chris Funnell
Council Leader

MARLOWTOWNCOUNCIL
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Marlow

Bucks SL7 2AG

T: 01628 484024



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From: Chris Funnell

Sent: Wednesday, October 11, 2023 4:22 PM

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

Cc: Richard Scott <rscott@marlow-tc.gov.uk>

Subject: RE: [EXTERNAL] Parish Meeting

Hilary

The purpose of last night's meeting, which included the three of us, was to provide clarity regarding the procedures for hosting a parish meeting and to discuss the overall process of conducting such meetings.

Members expressed confusion after receiving an invitation from you, as they had not seen any related information on our website. This issue remains unresolved and when I checked half an hour ago it was not there .

Our request for an unbiased process, encompassing a comprehensive understanding of procedural steps, dos and don'ts, as well as legislative requirements, led us to recommend asking you to reach out to BMKALC for guidance. Throughout the past week, we received pieces of information that were forwarded to members.

To clarify, last night's meeting was to meet in a smaller group to be able to ask questions and I believed all of us found it both productive and informative. I presented various perspectives without implying any errors on your part, only noting potential differences on the two routes of advice we had taken .

There was a misunderstanding concerning the subtle distinction between the clerk and the public convening a meeting, as well as the signature process. Unfortunately, after a whole week of getting input and advice we had to address this issue very quickly last Friday which led to another point of confusion regarding the notice issued on Friday by officers. Members only received the announcement attached to a meeting invitation yesterday, raising concerns about compliance with the seven-day notice requirement. You provided clarification on the stages of

document preparation during the meeting, which addressed this concern and met with compliance.

In summary, although it may have appeared unproductive to seek external advice, it is essential to understand that our current environment is fraught with challenges, and members are under scrutiny. Therefore, we emphasize the need for a comprehensive understanding of the entire process and its legal implications .

I will put [REDACTED] and our contact together for a final check so they can discuss if there are any further issues they may identify between them.

Thanks

Chris

Chris Funnell
Council Leader

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
Marlow
Bucks SL7 2AG

T: 01628 484024
[REDACTED]

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

Sent: Wednesday, October 11, 2023 8:52 AM

To: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Cc: Richard Scott <rscott@marlow-tc.gov.uk>

Subject: Fw: [EXTERNAL] Parish Meeting

Dear Chris

Following our meeting yesterday and the issues raised please see below from [REDACTED]
[REDACTED] at BKMLC. [REDACTED] would like the details please of the person you have been

contacting at Bucks Council.

Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
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From: [REDACTED]
Sent: 10 October 2023 20:56
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Subject: RE: [EXTERNAL] Parish Meeting

Hi Hils

The convener signs the agenda, as you agreed to convene then I cannot see a problem.

The minimum clear notice is 7 days, or, 14 days if they wish to effect an establishment or dissolution of a parish council

Voting on any poll is by the electors only.

The press and public have the same rights of admission to a parish meeting as they have to a meeting of a parish council. It is therefore advisable to have a clearly denominated area

for non-electors to sit so there may be clear demarcation between those who may and may not vote. Public Bodies(Admission to Meetings) Act 1960

I need to know who he has spoken with at Bucks Council because the advice that he has relayed to you to not appear to be accurate.

Kind regards

■

■



Buckinghamshire & Milton Keynes
Association of Local Councils

75 years empowering clerks, councillors and councils delivering for their communities



■



Buckinghamshire & Milton Keynes
Association of Local Councils



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

Sent: Tuesday, October 10, 2023 6:12 PM

To: ■

Subject: [EXTERNAL] Parish Meeting

Dear ■

I am sorry but following a meeting just completed I have asked the Leader of the Council to contact you about the forthcoming Parish Meeting. Chris Funnell has said that I am wrong on the following points on the basis of the advice that he has taken from a Solicitor at Bucks Council today.

1. That my signature should not be on the notice of the Parish meeting, it should be the electors or the Chairman of the Council. I have stated that as Clerk I have agreed to convene the meeting for the electorate that it is correct that my signature is on the notice.

2. Seven clear days' notice has not been given; the notices are dated October 6th for a meeting on October 17th, at the request of a Councillor a copy of the notice placed on our website and noticeboards was sent by email to all members today. Chris has said that this is not correct, the document members received today has the date of signature as October 6th, however the document itself showed a date stamp of today. I explained that we produce notices in PowerPoint and ahead of emailing to members the document would be saved as a pdf to all could open it.
3. I have advised that anyone can attend the meeting(press, etc) but only members of the electorate can speak or in the event of a poll can vote. Chris has again challenged this advice as incorrect, and said that we should only be admitting members of the electorate to the meeting.

I have advised that it is not productive to be getting different sets of advice and that BKMLC and NALC are our correct sources of advice on these matters, hence Chris Funnell will be contacting you direct to discuss.

Thanks again for all your help.

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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To: [Chris Funnell](#)
Subject: RE: [EXTERNAL] Parish Meeting
Date: 11 October 2023 16:40:47
Attachments: [image005.png](#)
[image006.png](#)

Thanks Chris – I did in fact connect with [REDACTED] first thing this morning, so this is indeed all squared off.

Happily, I don't think there's any substantive point on which [REDACTED] and I disagree about. I may take a more literal interpretation about who should sign the notice but as I said yesterday, the textbook (Arnold-Baker) does say that 'the council can choose to do it'. Which I think is what [REDACTED] refers to below in the Clerk having done so.

So I think we're all good on that front. Thanks for the info.

Best regards

[REDACTED]

[REDACTED]
Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Sent: Wednesday, October 11, 2023 4:31 PM
To: [REDACTED]
Subject: FW: [EXTERNAL] Parish Meeting

[REDACTED]
Just making you aware of the below so you have background .

I appreciate that we took your thoughts in confidence ,would you be able to speak to [REDACTED]

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Happy to discuss if you need to prior ?

regards

Chris

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Association of Local Councils

75 years empowering clerks, councillors and councils delivering for their communities



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Sent: Tuesday, October 10, 2023 6:12 PM

To: ■

Subject: [EXTERNAL] Parish Meeting

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From: [Democracy Mailbox](#)
To: [REDACTED]
Subject: RE: [EXTERNAL] Re: Complaint regarding Councillor Scott
Date: 12 September 2023 18:08:03

Dear [REDACTED]

Please note we have received another email on this issue as follows:-

"Good Afternoon

I am very concerned about the actions of Richard Scott and Marlow Town Council regarding a comment on the planning portal about the proposed film studio in Little Marlow. 22/06443/FULEA

The decision was made behind closed doors, without a clerk present and although submitted as a personal comment on the portal it has been represented as an official comment from MTC.

I believe this comment should be removed as soon as possible. "

Please let me know if you wish to change the comment on the planning portal or would like me to respond to the resident in another way ?

Many thanks [REDACTED]

[REDACTED] Committee and Governance Services Officer

[REDACTED]
Buckinghamshire Council

[REDACTED]@buckinghamshire.gov.uk

From: [REDACTED]
Sent: Monday, September 11, 2023 5:14 PM
To: [REDACTED] Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: Democracy Mailbox <democracy@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Re: Complaint regarding Councillor Scott

You don't often get email from [REDACTED] [Learn why this is important](#)

Good afternoon

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Kind regards

[REDACTED]

MARLOWTOWNCOUNCIL

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[Redacted contact information]

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From: [Monitoring Officer Mailbox](#)
To: [Hilary Martin](#)
Cc: [Monitoring Officer Mailbox](#)
Subject: RE: [EXTERNAL] Re: Complaint regarding Councillor Scott
Date: 25 October 2023 15:51:16

Hello Hilary

I think this is unfortunate. This is not a complaint about councillor conduct but a concern expressed about procedure and governance.

Now that you've sent the email of below to the correspondent, citing the Monitoring Officer we will, as previously, have no option but to open and close it and then refer the correspondent back to yourself.

In our view this was more readily dealt with through a governance explanation. The questions originally posed were seeking clarity on exactly that:

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It's on that basis, now, that we will open and close the complaint and refer the correspondent to yourselves for answers on those points. If you receive others of this nature, it would be useful to liaise before you refer the person to the Monitoring Officer.

I'll copy you into the response from here.

Best regards

[Redacted]

[Redacted]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[Redacted]

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

Sent: Wednesday, October 25, 2023 2:35 PM

To: [REDACTED] Democracy Mailbox
<democracy@buckinghamshire.gov.uk>; Monitoring Officer Mailbox
<monitoringofficer@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Re: Complaint regarding Councillor Scott

Good Afternoon

Marlow Town Council is not able to investigate complaints against individual Councillors, in line with MTC Policy your complaint has been forwarded to the monitoring officer at Buckinghamshire Council.

More information is available on the Buckinghamshire Council website here

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Best wishes

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
Marlow
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01628 484024

hilarymartin@marlow-tc.gov.uk

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From: [REDACTED]
Sent: 25 October 2023 13:41
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; democracy@buckinghamshire.gov.uk
<democracy@buckinghamshire.gov.uk>
Cc: [REDACTED]
Subject: Re: Complaint regarding Councillor Scott

Good afternoon,

I have not heard back since 13/09/2023 with regards to my original enquiry attached below.

Since this time we have had a further MTC meeting to respond to the way in which MTC have conducted themselves. Two votes were held, numbers not counted. The majority voted that MTC should be censured.

I continue to raise concerns regarding MTC's behaviour and their misrepresentation of Marlow residents.

Please could you provide an update as to what Bucks CC are doing about this?

Regards,

[REDACTED]

From: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Sent: 13 September 2023 12:19
To: [REDACTED]
Subject: Re: Complaint regarding Councillor Scott

Good Afternoon

Your complaint has been referred to the monitoring officer at Buckinghamshire Council, [REDACTED] democracy@buckinghamshire.gov.uk.

Kind regards

Hilary

Mrs Hilary Martin PSLCC
Town Clerk

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
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Cc: [Democracy Mailbox](#); [Monitoring Officer Mailbox](#)
Subject: Re: Complaint regarding Councillor Scott
Date: 25 October 2023 14:05:09
Attachments: [EXTERNAL Fw Complaint regarding Councillor Scott.msg](#)

Hi Hilary

Hope all's ok with you. [REDACTED] mentions in the attached that this is being dealt with in line with MTC policy given, I think, the governance nature of the query. I wasn't there proposing for BC to respond to this one if that's alright with you.

With regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]
The Gateway
Aylesbury

From: [REDACTED]
Sent: Wednesday, October 25, 2023 1:41 PM
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>; Democracy Mailbox <democracy@buckinghamshire.gov.uk>
Cc: [REDACTED]
Subject: [EXTERNAL] Re: Complaint regarding Councillor Scott

You don't often get email from [REDACTED]. [k. Learn why this is important](#)

Good afternoon,

I have not heard back since 13/09/2023 with regards to my original enquiry attached below.

Since this time we have had a further MTC meeting to respond to the way in which MTC have conducted themselves. Two votes were held, numbers not counted. The majority voted that MTC should be censured.

I continue to raise concerns regarding MTC's behaviour and their misrepresentation of Marlow residents.

Please could you provide an update as to what Bucks CC are doing about this?

Regards,

[REDACTED]

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

Sent: 13 September 2023 12:19

To: [REDACTED]

Subject: Re: Complaint regarding Councillor Scott

Good Afternoon

Your complaint has been referred to the monitoring officer at Buckinghamshire Council, [REDACTED] democracy@buckinghamshire.gov.uk.

Kind regards

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: 11 September 2023 17:13
To: [REDACTED]; Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: democracy@buckinghamshire.gov.uk <democracy@buckinghamshire.gov.uk>
Subject: Re: Complaint regarding Councillor Scott

Good afternoon

Thank you for your email and I acknowledge receipt of your complaint. I would refer you to our complaints procedure and confirm that your complaint will be investigated in line with the policy. You will be contacted in due course.

[Complaints Procedure - Marlow Town Council \(marlow-tc.gov.uk\)](#)

Kind regards

[REDACTED]

MARLOWTOWNCOUNCIL

T: 01628 484024

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From: [REDACTED]
Sent: 11 September 2023 17:08
To: Hilary Martin <hilarymartin@marlow-tc.gov.uk>
Cc: [REDACTED]
democracy@buckinghamshire.gov.uk <democracy@buckinghamshire.gov.uk>
Subject: Complaint regarding Councillor Scott

Dear Mrs Martin,

I have read the complaints procedure on the MTC website and understand I have to raise a complaint via yourself in the first instance.

I attach a recent submission by Cllr Scott with regards to the Marlow Film Studio planning application.

My queries regarding this are as follows:

- Why has Cllr Scott commented as a member of the public yet represented the objection as an MTC formal objection? Is this correct procedure to formally document private meeting votes on a planning comment and not to the public first?
- Can a Cllr comment about MTC in this way at all when just representing himself as a neighbouring Parish resident?
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I'd like to understand why a Cllr is permitted to communicate in this manner with no acknowledgement of Greenbelt which is high up on the Conservative's manifesto?

Please could you acknowledge receipt of my complaint and respond to queries confirming the formal process to progress this matter.

Kind Regards,

[Redacted Signature]

[Redacted Name]

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[REDACTED]

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[REDACTED]
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Court Garden
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T: 01628 484024

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[Redacted Signature]

[Redacted Name]

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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: Council legal matter - cost
Date: 05 October 2023 16:07:06

Hello Chris

In case it's useful to know, a very rough estimate of the cost of a poll for the Marlow TC area, should it happen, is around £5,000 which would of course be chargeable to MTC.

Best regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

From: [REDACTED]
Sent: Tuesday, October 3, 2023 8:24 PM
To: cfunnell@marlow-tc.gov.uk
Subject: Council legal matter

Chris

Thanks for the call earlier. A few pointers re: the parish meeting/parish poll issue. This information is being provide in confidence to you and, as we said on the phone, is not legal advice to the parish council. I'll give you a call at 10 am.

Convening: yes a parish meeting can be called/convened by 6 electors; it's the convenors who have to issue the notice (time and place and business) and agenda and sign it.

Minimum notice of parish meeting: normally a minimum notice of 7 clear days is needed

Council/Parish Meeting: a parish meeting is entirely separate from a parish/town council except that, if present, the chairman of the council has to preside (indeed the chairman has a right to attend)

Quorum: two electors

Decisions: taken by the majority of those electors present and voting. Voting doesn't have to follow any particular format (unlike council meetings) so a show of hands is ok or by voice

Poll: this has to be "demanded" by the parish meeting – and must be demanded not later than the end of the meeting in question; it must be proposed and seconded; the wording has to be clear and the proposition must be capable of a Yes or No answer so that if a poll is agreed upon, it can be voted on by the wider electorate in a Yes or No way

Number required to demand a poll: ten electors or a third of those electors present must

demand it; no vote is taken on whether the poll should happen; only on the actual wording of the proposition – that wording is what would appear on the ballot paper when the poll takes place

Subject of the poll: it should relate to “parish/town affairs” (not issues that affect all parishes equally); and as the cost of the poll is born by the parish/town council, the object of the poll should be something that the parish council could actually do (if it wishes to)

Procedure after poll determined: chairman of the meeting must immediately notify the Returning Officer who will arrange for the poll to be held; the name and address of the proposer should be supplied to the Returning Officer by the chairman. Poll must be held within 14 and 25 days of the passing of the resolution. The notice of poll – including details of the question to be asked – must be given not less than 5 working days before the poll. Poll will be held on the relevant day between 1600 hours and 2100 hours. Some normal rules of ballots don’t apply: only in-person voting is possible; no poll cards issued etc.

Effect of the poll vote – not binding: if the proposition requests the parish/town council to do something then the outcome is not binding on the parish/town council (except where the resolution asks the council to provide allotments) and it can’t be enforced

Costs: of arranging the poll fall to the parish/town council

Best regards

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]
The Gateway
Aylesbury

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 3, 2023 15:53

To: [REDACTED] [REDACTED] [REDACTED]

Subject: [EXTERNAL] Council legal matter

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

[REDACTED]

Could you spare 10 minutes for a call ,I have an urgent procedural matter at MTC which I need to get my head around to advise our membership on .
kind regards

Chris

Chris Funnell
Council Leader



MARLOWTOWNCOUNCIL

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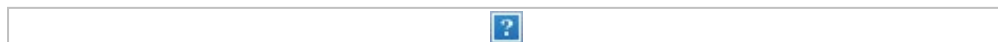
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[REDACTED]

[REDACTED]

Governance Officer
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Buckinghamshire Council

[REDACTED]

The Gateway
Aylesbury

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Sent: Tuesday, October 3, 2023 15:53

To: [REDACTED]

Subject: [EXTERNAL] Council legal matter

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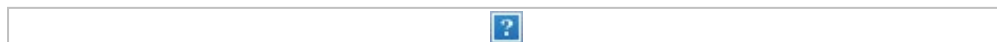
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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: Council legal matter - dates
Date: 10 October 2023 15:44:42

Chris

Good to speak to you. I can't see anything that says the seven days' notice for a parish meeting *doesn't* include Saturdays and Sundays. So I think it means simply seven calendar days.

On the other hand the parish poll rules do specify the dates that can't be include in a calculating the associated periods of time (The Parish and Community Meetings (Polls) Rules 1987 (Schedule):

a)a Saturday or Sunday,

(b)Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or

(c)a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

Hope that is some help.

Best regards

[REDACTED]

[REDACTED]
[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 10, 2023 12:50 PM

To: [REDACTED] [REDACTED] [REDACTED]

Subject: RE: Council legal matter

Thanks [REDACTED]

Will call your mobile 2.30.
regards

Chris

Chris Funnell

Council Leader

MARLOWTOWNCOUNCIL

Court Garden
Pound Lane
Marlow
Bucks SL7 2AG

T: 01628 484024
[REDACTED]

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From: [REDACTED]
Sent: Tuesday, October 10, 2023 12:30 PM
To: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Subject: RE: Council legal matter

Hello Chris

I have some time between 2.30 and 3.15 if you are free for a call between then?

Best regards

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Sent: Tuesday, October 10, 2023 12:23 PM
To: [REDACTED]
Subject: RE: Council legal matter

[Please note this has been sent from an **external source** - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]



I just wanted to make you aware that the following has been issued by the town clerk ,you may have seen it possibly ?

If you could I would appreciate if we could have a quick discussion on this as I have a meeting early this evening regarding this meetings protocol .

Do you have a convenient time ?

Thanks

Chris

Chris Funnell
Council Leader

MARLOWTOWNCOUNCIL

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Subject: Council legal matter

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Best regards

[Redacted]

[Redacted]
[Redacted] Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[Redacted]
[Redacted]
The Gateway
Aylesbury

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 3, 2023 15:53

To: [REDACTED]

Subject: [EXTERNAL] Council legal matter

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

Could you spare 10 minutes for a call ,I have an urgent procedural matter at MTC which I need to get my head around to advise our membership on .
kind regards

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Chris Funnell
Council Leader



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T: 01628 484024
[REDACTED]

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[REDACTED]

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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: Council legal matter - dates
Date: 10 October 2023 15:44:42

Chris

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Hope that is some help.

Best regards

[REDACTED]

[REDACTED]

Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

Sent: Tuesday, October 10, 2023 12:50 PM

To: [REDACTED]

Subject: RE: Council legal matter

Thanks [REDACTED]

Will call your mobile 2.30.
regards

Chris

Chris Funnell

Council Leader

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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: Council legal matter - dates
Date: 10 October 2023 16:05:53

Chris

Yes that would be correct in my view.

[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
Buckinghamshire Council
[REDACTED] [REDACTED]

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Sent: Tuesday, October 10, 2023 4:04 PM
To: [REDACTED]
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Sent: Tuesday, October 3, 2023 8:24 PM
To: Chris Funnell <cfunnell@marlow-tc.gov.uk>
Subject: Council legal matter

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Best regards

[REDACTED]

[REDACTED]
Governance Officer
Legal & Democratic Services
Buckinghamshire Council

[REDACTED] [REDACTED]
The Gateway
Aylesbury

From: Chris Funnell <cfunnell@marlow-tc.gov.uk>

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Subject: [EXTERNAL] Council legal matter

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Best regards

[REDACTED]

[REDACTED]
[REDACTED]

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Buckinghamshire Council

[REDACTED] [REDACTED]

The Gateway
Aylesbury

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To: [REDACTED] [REDACTED] [REDACTED]

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From: [REDACTED]
To: [Chris Funnell](#)
Subject: RE: Council legal matter
Date: 10 October 2023 12:30:05

Hello Chris

I have some time between 2.30 and 3.15 if you are free for a call between then?

Best regards

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From: [REDACTED]
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Date: 10 October 2023 12:50:33

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[REDACTED]

[REDACTED]
[REDACTED] Governance Officer
Legal & Democratic Services
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[REDACTED] [REDACTED]

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Thanks [REDACTED]

Will call your mobile 2.30.
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