

[REDACTED]

From: Carol Heap
Sent: 16 April 2024 22:36
To: [REDACTED]; Richard Scott; Jocelyn Towns; T Avery; Roger Wilson; N Marshall; Chris Funnell; R Cadman; Chris Hoyle; Colleen Stapley - Marlow Town Council; David Brown; Natalia Mityaeva
Subject: Re: [REDACTED]

I/O

From: [REDACTED]
Sent: Tuesday, April 16, 2024 9:24:30 AM
To: Richard Scott <rscott@marlow-tc.gov.uk>; Jocelyn Towns <jtowns@marlow-tc.gov.uk>; T Avery <tavery@marlow-tc.gov.uk>; Roger Wilson <rwilson@marlow-tc.gov.uk>; N Marshall <nmarshall@marlow-tc.gov.uk>; Chris Funnell <cfunnell@marlow-tc.gov.uk>; R Cadman <rcadman@marlow-tc.gov.uk>; Carol Heap <CarolHeap@marlow-tc.gov.uk>; Chris Hoyle <choyle@marlow-tc.gov.uk>; Colleen Stapley - Marlow Town Council <cstapley@marlow-tc.gov.uk>; David Brown <dbrown@marlow-tc.gov.uk>; Natalia Mityaeva <nmityaeva@marlow-tc.gov.uk>
Subject: [REDACTED]

Dear members

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

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

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

Requirements for a poll to proceed

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

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

1. "Do you wish Marlow Film Studios to be built?"
[REDACTED]

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

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

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

Proposer, [REDACTED]

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

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

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

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

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

Proposer, [REDACTED]

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

Next Steps

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

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

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

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

Best regards,

[Redacted]

Directorate for Deputy Chief Executive
Buckinghamshire Council

Best wishes

[Redacted]

[Redacted]

MARLOWTOWNCOUNCIL

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