

Congleton Town Council

Minutes of the Council Meeting held at Congleton Town Hall on 23rd January 2025

For the papers discussed at the meeting, [please see the Meeting agenda of 23rd January 2025](#)

Councillors Present: Kay Wesley (Mayor)
Robert Brittain (Deputy Mayor)
David Brown
Robert Douglas
Suzy Firkin
Emma Hall
Sally Ann Holland
Amanda Martin
Heather Pearce
Heather Seddon
Richard Walton
Liz Wardlaw
Glen Williams

Congleton Town Council Officers: David McGifford (Chief Officer), Serena Van Schepdael (RFO)

Number of Press: 0

Member of the Public: 1

1. Apologies for absence

Apologies were received from Cllrs Charles Booth, Russell Chadwick, Mark Edwardson, Arabella Holland, Robert Moreton, Susan Mead, Shaun Radcliffe,

2. Minutes of Previous Meetings

CTC/74/2425 Resolved to [sign and approve the minutes of the Council meeting held on 12th December 2024](#)

3. Declarations of Disclosable Pecuniary Interest

Received from Councillors David Brown, Emma Hall, Sally Ann Holland, Heather Seddon, Liz Wardlaw on matters relating to Cheshire East Council

4. Questions from Members of the Public

There were no questions from members of the public

5. Urgent Items

One urgent item was raised by Cllr Robert Douglas, see Appendix 1.

6. Interim Staffing Structure

CTC/75/2425 Resolved to approve the Interim Structure as presented to the Personnel Committee on the 12th of December 2024.

7. Ear Marked Reserves 2024/25 and 2025/26

7.1 **CTC/76/2425 Resolved to** approve the EMR movement for 24-25 year end.

7.2 **CTC/77/2425 Resolved to** note the use of EMR for the Financial Year 2025-2026.

8. Budget and Precept for financial year 2025-2026

8.1 **CTC/78/2425 Resolved to** approve the Budget for 2025-2026.

8.2 **CTC/79/2425 Resolved to** approve the Precept requirement for 2025/26 of £1,333,233, a rise of £11.92 per year which equates to 11.3% increase for a Band D Property.

Cllr R Walton requested a recorded named vote for 8.2

Those For - Cllrs Robert Britain, Robert Douglas Suzy Firkin, Heather Pearce, Heather Seddon, Richard Walton, Liz Wardlaw, Kay Wesley (8)

Those against -None

Those Abstaining - Cllrs David Brown, Emma Hall, Sally Ann Holland, Amanda Martin, Glen Williams (5)

Action: Officers to release a Press Release on the approved budget.

9. Payments over £5,000

CTC/80/2425 Resolved to approve the list of payments over £5,000 for the financial year 2025-2026.

Cllr Kay Wesley

Appendix 1

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At our Council meeting in December 2024, I raised the issue of outstanding S106 monies. I can give details of Cheshire East's answers.

Firstly, outstanding monies of £ 800,000 relating to the Thistle Way development, of which £ 540,000 should have been received six years ago and a further £ 255,000 three years ago. The Thistle Way developer, Stewart Milne, went bust in January 2024. Cheshire East Council confirms that these monies are still outstanding. This sum of £ 800,000 relates to two separate S106 Agreements signed just 24 hours apart. Cheshire East has given me two completely different answers for these two similar agreements.

For one, Cheshire East Council states the sum of £ 318,805 is outstanding and that, "These (monies) will be pursued without delay. There is no reason why payment will not be received in full from the Developer once reminded of its legal obligations."

This response is factually incorrect because the developer is in Administration. Regarding the other Agreement. Cheshire East's response states, "We are aware there are monies outstanding totalling £ 481,091 pertaining to (this) planning application. Senior Managers and the Council's Legal Team have been alerted to the situation and will work with the Administrators accordingly."

In my opinion, it is almost certain that this debt is unsecured. In December 2024, Teneo, the Administrator of Stewart Milne advised the Court of Session in Edinburgh that the debts exceeded £ 100 million. Teneo anticipates that only secured creditors will be paid and that hundreds of ordinary creditors, owed over £ 33 million, will not receive any money back. Presumably, to this sum of £ 33 million, we must add Cheshire East Council's debt of £ 800,000, which apparently hasn't even yet been lodged with the Administrator. I fear we must most likely conclude that this £ 800,000 that should have been used for the benefit of our community has been lost. Permanently lost. Truly shocking. Cheshire East have advised me that they are not aware of any other Section 106 overdue and unpaid monies that relate to a Developer in Administration or similar arrangement.

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Excluding the Thistle Way Development and the bridge linking Astbury Place with Congleton Park, there is over £ 1 million of Section 106 monies that have not yet been received. Not all this sum is due.

Cheshire East's response states, "The Council has recently introduced a new software system that will assist the S106.... Team to monitor Agreements more effectively. A key priority is to monitor and recover any overdue monies."

This indicates to me that Cheshire East Council admits that it has failed in the past to effectively chase its S106 debts.

Finally, regarding £ 575,000 of S106 monies that have been received and listed as available.

Cheshire East state that we should direct this question to the relevant Service Owner.

A Primary School in Congleton has learnt of my work on S106 monies and asked me to help them obtain some S106 monies towards their future development. Of the

£ 575,000, £ 168,282 relates to Primary Education.

I have advised this school that the Chief Officer and I must first go through these particular S106 Agreements in detail to ascertain what geographical and specific restrictions (if any) apply.

Furthermore, we need to understand the process Cheshire East Council adopts in ensuring that such monies are paid out in accordance with their Regulations.

If any Councillor is aware of any organisation, such as a school, which could benefit from available funding of S106 monies, then I would be grateful if they could put them in touch with me and we will ascertain what can be achieved to help them.

Hopefully, we can ensure that these available S106 monies can be put to good use for the benefit of our community.

Councillor Robert Douglas 22nd January, 2025