

Tunbridge Wells Commons Conservator

Financial Regulations

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These Financial Regulations were adopted by TWCC at its meeting held on 21st January 2026 and will be reviewed in January 2027.

1. General

1.1 These Financial Regulations govern the financial management of Tunbridge Wells Commons Conservators (TWCC) and may only be amended or varied by Conservator agreement. They are one of TWCC's governing documents and shall be observed in conjunction with the Standing Orders.

1.2 Conservators are expected to follow these regulations and not to entice Officers to breach them. Failure to follow these regulations brings TWCC into disrepute.

1.3 Wilful breach of these regulations by an Officer may result in disciplinary proceedings.

1.4 In these Financial Regulations

- 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
- 'Approve' refers to an online action, allowing an electronic transaction to take place.
- 'Authorise' refers to a decision by the Conservators, or Committee or an Officer, to allow something to happen.
- 'Proper practices' means those set out in *The Practitioners' Guide*
- *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.

1.5 The Treasurer has been appointed as the Responsible Financial Officer (RFO) by TWCC. The Treasurer:

- acts under the policy direction of TWCC;
- administers TWCC's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of TWCC its accounting records and control systems;
- ensures the accounting control systems are observed;
- ensures the accounting records are kept up to date;
- seeks economy, efficiency and effectiveness in the use of TWCC's resources; and
- produces financial management information as required by TWCC.

1.6 Conservators must not delegate any decision regarding:

- setting the final budget or the precept;
- the outcome of a review of the effectiveness of its internal controls;
- approving accounting statements;
- approving an annual governance statement; and
- addressing recommendations from the internal or external auditors.

1.7 In addition, the Conservators shall:

- determine and regularly review the bank mandate for all TWCC bank accounts;
- authorise any grant or single commitment in excess of £1,500 (the Clerk and Treasurer can approve up to £1,500 together)

2. Risk management and internal control

- 2.1. TWCC must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.
- 2.2. The Clerk shall prepare, for approval by TWCC, a risk management policy covering all activities. This policy and consequential risk management arrangements shall be reviewed by TWCC at least annually.
- 2.3. When considering any new activity, the Clerk and Ranger shall prepare a draft risk assessment.
- 2.4. At least once a year, TWCC must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.
- 2.5. The accounting control systems determined by the Treasurer must include measures to:
 - ensure that risk is appropriately managed;
 - ensure the prompt, accurate recording of financial transactions;
 - prevent and detect inaccuracy or fraud;
 - allow the reconstitution of any lost records;
 - identify the duties of officers dealing with transactions; and
 - ensure division of responsibilities.
- 2.6. At each quarterly meeting, and at each financial year end, the Chair shall be appointed to verify bank reconciliations (for all accounts) produced by the Treasurer. The Chair shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be recorded in the meeting minutes.
- 2.7. Officers use Microsoft OneDrive to ensure accessibility of documents and remove need for back-ups.

3. Accounts and audit

- 3.1. All accounting procedures and financial records of TWCC shall be determined by the Treasurer in accordance with the Accounts and Audit Regulations.
- 3.2. The accounting records determined by the Treasurer must be sufficient to explain TWCC's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:
 - day-to-day entries of all sums of money received and expended by TWCC and the matters to which they relate;
 - a record of the assets and liabilities of TWCC.

- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The Treasurer shall complete and certify the annual Accounting Statements of TWCC contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the Treasurer shall submit them, with any related documents, for consideration and approval by all Conservators at the June full meeting.
- 3.5. TWCC must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.
- 3.6. Any Officer or Conservator must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit and shall, as directed by TWCC, supply the Treasurer, internal auditor, or external auditor with such information and explanation as TWCC considers necessary.
- 3.7. The internal auditor shall be appointed by TWCC and shall carry out their work to evaluate the effectiveness of TWCC's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. TWCC shall ensure that the internal auditor:
- is competent and independent of the financial operations of TWCC;
 - reports to Officers and Conservators in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of TWCC.
- 3.9. Internal or external auditors may not under any circumstances:
- perform any operational duties for TWCC;
 - initiate or approve accounting transactions;
 - provide financial, legal or other advice including in relation to any future transactions; or
 - direct the activities of any Officer, except if they have been appropriately assigned to assist the internal auditor.
- 3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners' Guide.
- 3.11. The Treasurer and Clerk shall make arrangements for the exercise of public rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by

the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

- 3.12. The Treasurer and Clerk shall, without undue delay, bring to the attention of all Conservators any correspondence or report from internal or external auditors.

4. Budget and precept

- 4.1. Before 1st January in each year the Conservators shall issue to Tunbridge Wells Borough Council a precept for the requisite sum required for the financial year beginning 1st April next following.
- 4.2. The annual change in the precept value is determined by the Retail Price Index (RPI) change from September to September. The percentage change figure is released in mid-October.
- 4.3. At the October full meeting, the Clerk and Treasurer ask the Conservators to approve the precept request to Tunbridge Wells Borough Council.
- 4.4. Before 1st January, the Clerk will issue a precept notification letter to the Director of Finance, Policy and Development for Tunbridge Wells Borough Council.
- 4.5. Payment of the precept is made by equal instalments in April and October.
The Conservators approve a net nil income budget set after the precept is agreed.
- 4.6. Budgets for salaries and wages, including employer contributions shall be reviewed by TWCC at least annually in January. The Treasurer will inform Committees of any salary implications before they consider their draft their budgets.
- 4.7. No later than 1st March each year, the Treasurer and Clerk shall prepare a draft budget for consideration by the Conservators.
- 4.8. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward with the formal approval of all Conservators.

5. Procurement

- 5.1. Conservators and officers are responsible for obtaining value for money at all times. In accordance with the Procurement Act 2023, TWCC will comply with the four statutory objectives, (1) value for money, (2) public benefit, (3) transparency, (4) integrity. Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. Every contract shall comply with TWCC's Standing Orders and Financial Regulations, and no exceptions shall be made, except in an emergency.
- 5.3. For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.

5.4. The Procurement Act 2023 thresholds for 2024-25 are as follows:

Type of Contract	Threshold (excluding VAT)	Who It Applies To
Public works contracts	£5,372,609	Construction or engineering works
Public supply contracts	£214,904	Buying goods or materials
Public services contracts	£214,904	Hiring consultants, professional, or operational services

Where the estimated value is below these thresholds, TWCC will follow the following procedures:

Estimated value of works or supply contracts (incl VAT)	Action to be taken
Up to £1,500 not included in the budget/not already approved by Conservators	One quote required as a minimum for approval by Treasurer and Clerk
£1,501 to £4,000 spend included in budget and or with Conservator approval	One quote required as a minimum, for approval by Treasurer and Clerk
£4001-£7,000 spend included in budget and or with Conservator approval	Two quotes, which can be based on day rates, obtained to be approved by Treasurer and Clerk
£7,001 and above	Three quotes obtained to be approved by Committee (or all Conservators if appropriate)
Over £30,000	Seek formal tenders from at least three suppliers and advertise on Central Digital Platform

5.5. For contracts estimated to be over £30,000 including VAT, TWCC must comply with any requirements of the Legislation (The Regulations require smaller authorities to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised), regarding the advertising of contract opportunities and the publication of notices about the award of contracts.

5.6. Contracts must not be split into smaller lots to avoid compliance with these rules.

5.7. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as high-risk work requiring specialist equipment;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

- 5.8. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the Conservators. Avoidance of competition is not a valid reason.
- 5.9. TWCC shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.10. Authorisation of individual purchases must be supported by a minute (in the case of full Conservator or Committee decisions) or other auditable evidence trail.
- 5.11. No individual Conservator or informal group of Conservators may issue an official order, unless instructed to do so in advance by all Conservators or make any contract on behalf of TWCC.
- 5.12. No expenditure may be authorised that will exceed the budget for that type of expenditure, unless it has Conservator approval, except in an emergency.
- 5.13. In cases of serious risk to public safety on the Commons, the Clerk and Treasurer may authorise expenditure of up to £1,500 including VAT on works that in their judgement are necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Committee as soon as possible and to all Conservators as soon as practicable thereafter.
- 5.14. No expenditure shall be authorised, no contract entered into, or tender accepted in relation to any major project, unless TWCC is satisfied that the necessary funds are available.
- 5.15. An official order or email shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.

6. Banking and payments

- 6.1. TWCC's banking arrangements, including the bank mandate, shall be made by the Treasurer and Clerk and authorised by TWCC. TWCC has resolved to bank with Lloyds, Barclays and Unity Trust. The arrangements shall be reviewed regularly for security and efficiency.
- 6.2. TWCC must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Two people are involved in each payment, by dual online approval. Even where a purchase has been authorised, the payment must also be approved to allow the funds to leave TWCC's banks.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by Conservators before being set up online by the Treasurer.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.

6.5. All payments shall be made by online banking, unless TWCC resolves to use a different payment method.

7. Electronic payments

- 7.1. All payments shall be made by online banking and the Treasurer and Clerk shall be appointed as the Service Administrators. The bank mandate agreed by TWCC shall identify three Officers/Conservators who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
- 7.2. All authorised signatories shall have access to view TWCC's bank accounts online.
- 7.3. No Officer or Conservator shall disclose any PIN or password, relevant to TWCC or its banking.
- 7.4. Two authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.5. Evidence shall be retained showing which members approved the payment online.
- 7.6. With the approval of TWCC regular payments (such as telephone, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit.
- 7.7. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by the two of the authorised signatures, evidence of this will be retained.
- 7.8. Members and officers shall ensure that any computer used for TWCC's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.9. Remembered password facilities, other than secure password stores requiring separate identity verification, should not be used on any computer used for TWCC banking.

8. Cheque payments

- 8.1. TWCC does not use cheques for payments.

9. Payment cards

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk and Treasurer and will also be restricted to a single transaction maximum value of £750 unless authorised in advance by the Conservators. There are currently no debit cards issued with any of the TWCC bank accounts.
- 9.2. Any corporate trade accounts opened in the name of TWCC will be specifically restricted to use by the Clerk, Treasurer and Ranger and any balance shall be paid in full each month.

10. Petty Cash

- 10.1. TWCC does not use petty cash.

11. Payment of salaries and allowances

- 11.1. As an employer, TWCC must make arrangements to comply with the statutory requirements of PAYE legislation.
- 11.2. Salary rates shall be agreed by TWCC. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the Conservators.
- 11.3. Tunbridge Wells Borough Council provide chargeable payroll services for TWCC. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.

12. Loans and investments

- 12.1. TWCC does not currently have any loans or investments.

13. Income

- 13.1. The collection of all sums due to TWCC shall be the responsibility of and under the supervision of the Treasurer. Income would usually be the precept or funding from external grants.
- 13.2. All sums received on behalf of TWCC shall be deposited in the bank, with such frequency as the Treasurer considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

14. Payments under contracts for building or other construction works

- 14.1. Where contracts provide for payment by instalments, the Treasurer shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with TWCC being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

15. Fixed Assets

- 15.1. The Treasurer and Clerk shall ensure that an appropriate and accurate Register of Fixed Assets is kept up to date.
- 15.2. The continued existence of fixed assets shown in the Register shall be verified at least annually.
- 15.3. No fixed assets shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of TWCC, together with any other

consents required by law, except where the estimated value of any one item does not exceed £1,500.

16. Insurance

- 16.1. The Treasurer and Clerk shall keep a record of all insurances effected by TWCC and risks covered, reviewing these annually before the renewal date.
- 16.2. The Clerk and Ranger shall give prompt notification to the Treasurer of all new risks and fixed assets which require to be insured and of any alterations affecting existing insurances.
- 16.3. The Treasurer shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to TWCC at the next available meeting. The Treasurer and Clerk shall negotiate all claims on TWCC's insurers.
- 16.4. All appropriate Conservators and Officers of TWCC shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by TWCC annually.

17. Suspension and revision of Financial Regulations

- 17.1. The Conservators shall review these Financial Regulations annually and following any change of Clerk or Treasurer. The Clerk shall monitor changes in legislation or proper practices and advise the Conservators of any need to amend these Financial Regulations.
- 17.2. If the majority of Conservators agree, TWCC may suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all Conservators. Suspension does not disapply any legislation or permit the TWCC to act unlawfully.
- 17.3. If the majority of Conservators agree, TWCC may temporarily amend these Financial Regulations to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

Elements requiring the agreement of the Conservators

- Procurement plan
- Membership of the selection Committee
- Budget – both procurement and operational
- Specification of requirements for suppliers
- Public communication channels for advertising, or pre-selected supplier list
- Choice of supplier, and whether needs to be local
- Who signs contract/agreement?
- Key dates:
 - Go-to-market date
 - Deadline for receipt of tenders
 - Supplier recommendation

Role of the Committee, Clerk and Treasurer

- Plan procurement
- Prepare budget (procurement cost, if any, and operating cost)
- Prepare requirements specification
- Recommend public communications channels, and ‘copy’ for such release opportunity in the marketplace
- Conduct/oversee scrutiny of tenders and select
- Set selection criteria
- Set tender window
- Recommend long list, short list, and final choice to Conservators
- Oversee implementation

Tender selection Committee

- Composition is agreed before process of inviting tenders begins. Composition is based on skills and experience, and balance across the Conservator groups and Officers. Agreed external parties, where there are gaps, are used to ensure it includes skills and experience deemed necessary.
- Tendering may be selective or open, although, whenever possible, selective tendering shall be used, and tenders invited to ensure that the required number of tenders are received.
- The Tender contents required, and the requirements specification will be set by the Committee, Clerk and Treasurer.

Contents will at least address:

- Services required and, where it adds clarity, what is excluded
- Remuneration basis, and payment terms
- Supplier performance requirements, and penalties
- Early termination
- Options, if any, for extending the period for which services are supplied
- Consideration of changes to requirements, if any, while contract is in force
- Consideration of dispute resolution

Tender window

Potential suppliers will be given at least 20 working days to respond, with their tenders – actual time given may be extended, depending on complexity of the procurement, etc. Tenders shall be opened, not earlier than the closing date prescribed in the tender documents, in the presence of the Clerk, the Ranger and the Treasurer or other suitable member. A declaration shall be signed to such effect by the persons present at the opening of the tender(s).

Decisions made

Chosen supplier will be advised of Conservators' decision, and their acceptance is to be provided in writing/email. Subsequently, suppliers not chosen will be advised of Conservators' decision. Choice of supplier may be made public.

Where a tender is accepted other than the lowest financial value, this should be explained, and the Conservator's written approval shall be sought.