Tunbridge Wells Commons Conservators

Standing Orders

Last review: October 2026

Next Review: October 2027

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1. Introduction

In accordance with the County of Kent Act 1981, Tunbridge Wells Commons Conservators (the Conservators) are the statutory body responsible for the management and administration of Tunbridge Wells and Rusthall Commons.

Tunbridge Wells and Rusthall Commons is recorded as the red, blue and green delineated map, deposited for the purposes of the Tunbridge Wells Improvement Act of 1890.

Constitution of the Conservators

The Conservator body consists of 12 persons appointed as follows:

- four by the Lord of the Manor, who may nominate himself and his steward and bailiff or any other person as he may think fit;
- four by the freeholders' committee (the Freehold Tenants) from among persons whose names appear in the register of freehold tenants of Rusthall Manor directed to be kept by the Rusthall Manor Act 1863;
- four by the Tunbridge Wells Borough Council from among the persons who are members of the Tunbridge Wells Borough Council for wards comprised within the former borough.

(County of Kent Act 1981 Part XV Section 103)

Appointment of Conservators

The term of appointment for Conservators is as follows:

- in the case of a conservator appointed by the Tunbridge Wells Council for a term of one year; and
- in the case of any other Conservator for a term of three years;

It is the responsibility of the appointing authority to ensure that all appointments are made.

No Conservator shall receive any remuneration.

An officer of Tunbridge Wells Borough Council cannot be a Conservator.

At the first meeting on or after 1st January each year a Chair is to be appointed representing the Manor of Rusthall (as at 2025), followed the next year by the Freehold Tenants and then Tunbridge Wells Borough Council on an annual rotation.

Power to appoint officers

Taken from the County of Kent Act 1981 Part XV Section Schedule 3 sections 102 and 103, the Conservators shall appoint

- a clerk who may if they think fit be the chief executive of the Tunbridge Wells Council;
- a treasurer; and
- such common keepers and other officers as they may think necessary for the proper discharge of their functions.

A clerk, treasurer, common keeper or other officer shall hold office on such reasonable terms and conditions including conditions as to remuneration as the Conservators think fit.

2. Compliance with laws, regulations and proper practices

The Conservators have legal powers to execute works:

(1) The Conservators shall have a duty to maintain and preserve the commons.

(2) The Conservators may for the purpose of this Part—

(a) execute works of drainage and improvement of the commons;
(b) plant trees and enclose such trees with fences of a character as not to be likely to injure animals turned out on the commons;
(c) maintain footpaths and provide seats for the public on the Commons.

The Conservators have legal powers to provide access to the Commons:

The inhabitants of the borough of Tunbridge Wells shall have free access to and a privilege at all times of playing and attending at games and of enjoying recreation upon the Commons without payment but subject to such byelaws and regulations as are hereinafter mentioned and with power for the Conservators as they consider expedient

(1) to set apart any part of the Commons for cricket, football, or other games;

(2) to form any cricket, football or other ground and to enclose the same with posts and chains or with open fences so as to prevent cattle straying thereon; and

(3) to prescribe as to the persons who shall use the same for cricket, football or other games and the times when the particular persons may exclusively use the same for cricket, football or other games as aforesaid.

The Conservators have legal powers to ensure that the Commons are preserved from encroachments.

(1) The Conservators shall maintain the Commons free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit.

(2) It shall not be lawful for any persons other than the Conservators without the consent of the Conservators in writing to make any temporary or other enclosure of any part of the Commons or to put any tents, removable lodges, fences, posts, rails or other matters or things thereon or to make any road or footpath except over such portions of the Commons as are coloured red on the plan or to lay any sewer, drain, pipe, waterway or other work of a like nature in or through any part of the commons.

The Conservators have legal powers to make byelaws

The Conservators may make byelaws under this Part for all or any of the following purposes: —

a. for the improvement and management of the commons and the preservation of good order and conduct among persons frequenting them;

b. for the protection of property, trees, shrubs, ferns and other plants and for the protection of paths;

c. for the prevention of nuisances, annoyances, obstructions and encroachments;

d. for the prevention of the deposit of road sand or rubbish or other matter;

e. for the regulation of sports and games played thereon;

f. for the regulation of the use of animals let out for hire thereon and of persons letting out for hire or using animals thereon and in general the regulation of riding on the commons;

g. for the prevention of vehicles, including bicycles, being parked or driven or horses being exercised on any part of the commons not set apart by the conservators for the purpose;

h. for the prohibition and prevention of the fouling of any ornamental or other lakes, ponds or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein;

i. for the prevention of the posting of bills or placards on any wall, railing, fence, tree, lamppost, walk, pavement or seat or elsewhere and the prevention of the removal of any such wall, railing, fence, tree, lamppost, walk, pavement or seat;

j. for the regulation and if need be the prohibition of placing, drying or bleaching of clothes, household linen or other materials or things and the beating and cleansing of carpets or like articles;

k. for the temporary enclosure except on Christmas Day, Good Friday and Sundays of portions of the commons not exceeding six days at a time for the protection and-renewal of the herbage thereon;

l. for the prevention of all acts and things tending to the injury or disfigurement of the commons or the interference with the use thereof by the public for purposes of exercise and recreation.

3. Full meetings of the Commons Conservators

a There shall be no less than four full meetings per year.

b Full meetings must be held in person.

c Notice of each full meeting and details of the agenda are added to the website, giving a minimum of three days' notice. The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

d Supporting documents for all full meetings are freely available and can be obtained by contacting the Clerk.

e Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of

charge or at a reasonable cost.

f Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

g Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

h A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

i A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

j The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

k No business shall be transacted at any meeting unless five Conservators at least are present. If a meeting is or becomes inquorate no business shall be transacted, and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

l The Chair of the Conservators, if present, shall preside at a full meeting. If the Chair is absent from a full meeting, they should nominate a colleague from their organisation to preside.

m Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.

n Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of the Chair, the voting on any question shall be recorded so as to show whether each Conservator present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

o All questions shall be decided by a majority of the Conservators present and voting and in case of an equality of votes the Chair presiding at the meeting

shall have a second or casting vote.

p A conflict of interest occurs when a Conservator's personal or business interests, or those of a person or organisation connected to them, conflict with the interests of the organisation. This includes:

- Financial interests (direct or indirect).
- Non-financial or personal interests (e.g., family relationships, loyalty to another organisation).
- Situations where a Conservator may benefit (financially or otherwise) from their position.

  For this purpose, such conflict excludes a conflict arising purely by virtue of the Manor's ownership of the Commons, the Freehold Tenants' rights relating to the Commons or the Councillors' role as members of TWBC, which are prerequisites for their appointment as Conservators.

q Once a conflict of interest has been identified:

- The Conservator concerned must declare the nature and extent of the interest.
- The remaining Conservators must decide how to manage the conflict.
- Possible actions include:
  - Excluding the conflicted Conservator from discussions and decisions.
  - Seeking advice from an independent adviser.
  - Recording the conflict and the decision in the Minutes.

A Conservator must not:

- Influence decisions in which they have a conflict.
- Vote on a matter in which they have a conflict.
- Be counted in the quorum for that part of the meeting.

r All conflicts of interest must be recorded in the minutes of the meeting where the conflict was declared and discussed.

s No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

t The Clerk to record the minutes of all full meetings. The minutes shall include an accurate record of the following:

i. the time and place of the meeting;

ii. the names of Conservators who are present and the names of Conservators who sent apologies.

iii. The names of Officers and other attendees and observers.

iv. Business interests that have been declared.

v. the grant of dispensations (if any)

vi. whether a Conservator left the meeting when matters that they held interests in were being considered;

vii. if there was a public participation session; and

viii. the resolutions made.

The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the next full meeting and stand as an accurate record of the meeting to which the minutes relate.

The draft minutes are to be published on the website, which is publicly accessible and free of charge, not later than one month after the meeting has taken place.

Extraordinary meetings of the Commons Conservators

The Chair may convene an extraordinary meeting of the Conservators at any time, subject to compliance with standing order 3c regarding notice period and agenda

4. The Committee of the Commons Conservators

The Conservators shall have power to appoint a Committee or Committees for any purpose and may delegate to such Committee or Committees any of their powers and duties.

The Conservators shall review and approve the constitution and terms of reference of such committee or committees annually.

The Clerk to record minutes of the Committee meetings, to be circulated to all Conservators and formally approved at each full meeting.

5. Proper Officer

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Conservators to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

i. at least three clear days before a full meeting, provide all Conservators with details of the meeting time, place, agenda and supporting documents and ensure that the agenda is available on the website;

ii. hold a copy of the register of interests;

iii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation;

iv. receive and send general correspondence and notices on behalf of the Council;

v. manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Conservators in accordance with its financial regulations;

vi. record planning application comments, to be reported at each full meeting.

6. Responsible Financial Officer

The Conservators shall appoint an appropriate Responsible Financial Officer (Treasurer) to manage all financial arrangements including audits.

7. Precept and budget

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.

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.

At the October full meeting, the Clerk and Treasurer ask the Conservators to approve the precept request to Tunbridge Wells Borough Council.

Before 1st January, the Clerk will issue a precept notification letter to the Director of Finance, Policy and Development for Tunbridge Wells Borough Council.

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.

8. Accounts and accounting statements

a All payments by the Conservators shall be authorised, approved and paid in accordance with the law, proper practices and the Conservators' financial regulations.

b At each full meeting, the Responsible Financial Officer shall supply a statement to summarise:

i. the Conservators' income and expenditure for each quarter;

ii. the aggregate income and expenditure for the year to date;

iii. the balances held at the end of the quarter being reported and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

c At the first full meeting after the financial year end at 31 March, the Responsible Financial Officer shall provide:

i. a statement summarising income and expenditure for the last quarter and the year to date for information; and

ii. the accounting statements for the year in the form of Section 2 of the annual governance and accountability return (Form 3), as required by proper practices, for consideration and approval.

d The annual governance and accountability return, which is subject to external audit, including the annual governance statement, shall be presented to the Conservators for consideration and formal approval before 30 June.

9. Financial controls and procurement

a. The Conservators shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

i. the keeping of accounting records and systems of internal controls;

ii. the assessment and management of financial risks;

iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

iv. Procurement policy.

b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

10. Responsibilities to provide information

a In accordance with freedom of information legislation, the Conservators shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

The Conservators shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

11. Relations with press/media

a The Clerk shall respond to requests from the press or other media for an oral or written comment or statement from the Conservators.

This document should be read alongside the Role of Conservator document.