

[illegible]

## **DOCUMENT RETENTION-POLICY**

### **1. Introduction**

- 1.1 The council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations. The council acknowledges the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under relevant Legislation.
- 1.3 The Town Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility of this policy is the Town Clerk, and the Clerk is required to manage the Council's records in such a way as to promote compliance with this policy so that information can be retrieved easily, appropriately and in a timely manner.

### **2. Retention of documents for legal purposes**

- 2.1 Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

<b>Category</b>	<b>Limitation Period</b>
Negligence (and other torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To recover land	12 years
Rent	6 years
Breach of trust	None

- 2.2 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- 2.3 As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.
- 2.4 Some limitation periods can be extended. Examples include:
  - where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
  - where damage is latent (e.g. to a building);
  - where a person suffers from a mental incapacity;
  - where there has been a mistake or where one party has defrauded another or concealed relevant facts.
- 2.5 In such circumstances, the council will weigh up (i) the costs of storing relevant documents and (ii) the risks of:
  - claims being made;

- the value of the claims; and
- the inability to defend any claims made should relevant documents be destroyed.

### 3. Document retention schedule

3.1 The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute books	Indefinite	Archive
Scale of fees and charges	6 years	Management
Receipt and payments account(s)	6 years plus current year	Audit
Receipt books of all kinds, including ledgers	6 years plus current year	VAT
Bank statements, including savings/deposit accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years after completion of contract	Limitation Act 1980
Paid invoices	6 years plus current year	VAT
Paid cheques	6 years plus current year	Limitation Act 1980
VAT records, P60s and P45s	6 years plus current year generally, but 20 years for VAT on rents	VAT, Tax
Petty cash, postage and telephone books	6 years plus current year	Tax, VAT, Limitation Act 1980
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management
Tangible Investments	Indefinite	Audit, Management
Intangible Investments	6yrs plus current year	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980
Correspondence and emails	Correspondence/emails processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.	Data Protection act 2018
Accident book	3 years, or if a child/young adult until that person reaches the age of 21	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Annual accounts and asset registers	Indefinite	Archive
AGAR	On the website for 6yrs	Audit/Management
Pension contribution records	6 years	Pensions Act 2014
Personnel records, including SSP	6 years	Limitations Act 1980

and maternity records		
Asbestos and hazardous materials records	Indefinite	Asbestos Regulations
Job applications	6 years for successful applicants 6 months for unsuccessful applicants	Limitations Act 1980 Management
Previous versions of policies, standing orders, schemes of delegation	3 years	Data Protection Act 1998
<b>For halls, centre, recreation grounds</b> <ul style="list-style-type: none"> <li>• Application for hire</li> <li>• Lettings diaries</li> <li>• Copies of bills to hirers</li> <li>• Record of tickets issued</li> </ul>	6 years	VAT
<b>For allotments</b> <ul style="list-style-type: none"> <li>• Plans</li> <li>• Register</li> </ul>	indefinite Indefinite Correspondence/emails processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.	Audit, Management Audit, Management Data Protection act 2018
<b>For burial grounds</b> <ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• Register/plan of grave spaces</li> <li>• Register of memorials</li> <li>• Application for internment</li> <li>• Application for rights to erect memorials</li> <li>• Disposal certificates</li> <li>• Copy certificates of grant of exclusive right of burial</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977
Playground checks	3 Years	Management
Lifting equipment testing	For entirety of equipment life	LOLER
H & S checks i.e fire alarm checks/legionella/ fire extinguisher checks	3 years	Management
Documents including tender documents, bids and quotes, contracts, schedules of works, surveyor's reports in relation to the spending of s106 funds.	10 years	WDC Indemnity Agreement

3.2 The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Town Clerk.

