

# Hermitage Parish Council

## Document Retention Policy

2020

1. This policy aims to ensure that necessary printed documents relating to council business are retained and stored as required for future examination. It follows guidelines produced by the National Association of Local Councils (NALC).
2. Planning papers
  - i. Where planning permission is granted, the planning application, any plans and the decision letter should normally be retained until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission.
  - ii. Where planning permission is granted on appeal, a copy of the appeal decision should also be retained. It may sometimes be sensible to retain an appeal decision indefinitely because of wider implications (eg the decision may set a precedent for other developments in the locality).
  - iii. Where planning permission is refused, the papers should be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter may, as in (i) above, be worth retaining against further applications relating to the same site.
  - iv. Where a substantial number of planning applications are received from the local planning authority, it is advisable for a council to have an effective referencing and filing system.
  - v. Copies of Local Plans and similar documents should be retained as long as they are in force.
3. Insurance policies

All insurance policies should be kept for as long as it is possible for a claim to be made under them. Irrespective of how long policies and correspondence are retained, the recommendation is that councils ensure that they keep a permanent record of insurance company names and policy numbers for all insured risks. Regulation 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory under the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.
4. Information from other bodies (eg circulars etc. from county associations, NALC and other bodies, retain for as long as it is useful and relevant.
5. Documentation relating to staff

This should be kept securely and in accordance with protection principles contained in the Data Protection Act. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However even after an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council. The time limits within which a

claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered in point X below. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of.

6. Retention of documents for legal purposes

- i. Most legal proceedings are governed by the Limitation Act 1980 (as amended). 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. The reference to ‘category’ in the table refers to claims brought in respect of that category.

ii.

Category	Limitation period
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

- iii. If the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.
- iv. As there is no limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and schemes and other similar documentation.
- v. For the sake of completeness, it should be noted that some limitation periods can be extended. Examples include:
  - where damage is hidden (e.g. to a building);
  - where a person is a child or suffers from a mental incapacity;
  - where there has been a mistake by both parties or
  - where one party has defrauded another or concealed facts.
- vi. In such circumstances individual councils will need to weigh (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 documentation be destroyed.
- vii. Obviously the higher the value of a contract or the higher the risk or value of a claim being made, the more likely it is that the greater expense/ inconvenience of storing documents for longer periods can be justified. Electronic storage could be considered. The precise wording of any insurance policies should be checked to ensure that they comply with any terms they contain in respect of the retention of documents and information.

- 7. Papers no longer required must be disposed of in a manner which reflects data protection principles.

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
1. Minute books	Indefinite	Archive
2. Scales of fees and charges	6 years	Management
3. Receipt and payment account(s)	Indefinite	Archive
4. Receipt books of all kinds	6 years	VAT
5. Bank statements, including deposit/savings accounts	Last completed audit year	Audit
6. Bank paying-in books	Last completed audit year	Audit
7. Cheque book stubs	Last completed audit year	Audit
8. Quotations and tenders	6 years	Limitation Act 1980 (as amended)
9. Paid invoices	6 years	VAT
10. Paid cheques	6 years	Limitation Act 1980 (as amended)
11. VAT records	6 years generally but 20 years for VAT on rents	VAT Tax, VAT, Limitation Act 1980 (as amended)
12. Petty cash, postage and telephone books	6 years	(as amended)
13. Timesheets	Last completed audit year	Audit (requirement)
14. Wages books	3 years	Personal injury (best practice)
15. Insurance policies	12 years	Superannuation
16. Certificates for Insurance against liability for employees	While valid	Management
17. Investments	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753), Management
18. Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
19. Members allowances register	Indefinite	Audit, Management
19. Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
	<b>RECREATION GROUNDS</b>	
1. Application to hire	6 years	VAT
2. Lettings diaries		
3. Copies of bills to hires		
4. Record of tickets issued		
	<b>BURIAL GROUNDS</b>	
1. Register of fees collected	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)
2. Register of burials		
3. Register of purchased graves		
4. Register/plan of grave spaces		
5. Register of memorials		
6. Applications for interment		
7. Applications for right to erect memorials		
8. Disposal certificates		
9. Copy certificates of grant of exclusive right of burial		

