

# Singleton & Charlton Parish Council

## Document Retention & Disposal Scheme

This policy was adopted by Singleton & Charlton Parish Council on **15<sup>th</sup> November 2023**.

### 1. Introduction

- 1.1 The council recognises 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 the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002, General Data Protection Regulations 2018.

### 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.

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

- 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	DISPOSAL
Minutes	Indefinite	Archive	Original signed paper copies of council minutes of meetings must be kept indefinitely in storage. At regular intervals of not more than 5 years they must be archived and deposited with the higher authority
Scale of fees and charges	6 years	Management	Bin
Receipt and payments account(s)	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Confidential waste
Bank statements, including savings/deposit accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Quotations and tenders	6 years after completion of contract	Limitation Act 1980	Confidential waste
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980	Confidential waste
VAT records, P60s and P45s	6 years	VAT, Tax	Confidential waste
Postage books	6 years	Tax, VAT, Limitation Act 1980	Confidential waste
Timesheets	Last completed audit year	Audit	Bin
Wages payroll & pension records	6 years	Pensions Act 2014	Confidential waste
Personnel records, including application, references, SSP and maternity records	6 years	Limitations Act 1980	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Bin
Insurance company names and policy numbers	Indefinite	Management	N/A
Certificates for insurance against liability for employees	40 years from date on which the insurance	Employers' Liability	Bin

	commenced or was renewed	(Compulsory Insurance) Regulations 1998, Management	
Park equipment inspection contracted District Council and annual reports	5 years	Management, Potential claims	Bin
Trees Local Survey & maintenance records	Retained for as long as relevant	Reference, management	Bin
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members allowances register	6 years	Tax, Limitation Act 1980	Confidential waste
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Bin
Local/historical information	Indefinite – to be securely kept for the Parish	Councils may acquire records of local interest in written or other form setting out facts or events or otherwise recording information	N/A
Record keeping; to ensure records are easily accessible it is necessary to comply with the following: A list of files stored in cabinets will be kept Electronic files will be saved using relevant file names	The electronic files will be backed up periodically on a portable hard drive and also to the cloud based programme used by the council which complies with UK/EU GDPR.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.
General correspondence and emails	1 year unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management, Limitation Act 1980	Confidential waste.
Accident/ incident book/reports	5 years	Reporting of Injuries, potential claims, Diseases and Dangerous Occurrences Act 2013	Confidential waste

Annual accounts and asset registers	Indefinite	Archive	N/A
Previous versions of policies, standing orders, schemes of delegation	5 years	Data Protection Act 1998	Bin
<b>For recreation grounds and play areas</b>			
Application for hire & lettings diaries	Last completed audit year 6 years	Management	Confidential waste
Copies of bills to hirers	6 years	Audit Management	Confidential waste Bin
Terms and Conditions	Indefinite	Archive	N/A
Minutes	Indefinite	Archive	N/A
Legal papers	Indefinite	Archive	N/A
<b>For planning papers</b>			
Applications	1 year unless significant ongoing development	Management	Bin
Appeals	1 year unless significant ongoing development	Management	Bin
Trees	5 year	Reference/Management	Bin
Local Development Plans	Retained for as long as in force	Reference	Bin

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 Clerk.