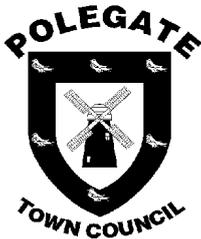


Polegate Town Council



Document Retention POLICY

Policy Number 13		
Issue No.	Date completed	Details of amendments
1	May 2014	Updated
2	May 2016	Adoption at Annual Stat Meeting
3	22.05.17	Adopted at Annual Stat Meeting



POLEGATE TOWN COUNCIL DOCUMENT RETENTION POLICY

Planning papers

- a. Where planning permission is granted, 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. 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 (e.g. the decision may set a precedent for other developments in the locality).
- b. 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 be worth retaining against further applications relating to the same site.
- c. Correspondence should be retained for one year or longer if relevant and useful.
- d. Copies of Structure Plans, Local Plans and similar documents should be retained as long as they are in force.

Insurance policies - insurance policies and significant correspondence should be kept for as long as it is possible for a claim to be made under the policy. Irrespective of how long policies and correspondence are retained, a permanent record of insurance company names and policy numbers for all insured risks should be kept. Article 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 pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.

Information from other bodies (e.g. circulars etc. from County Associations, NALC and other bodies (e.g. principal authorities) too numerous to mention) – such information should be retained as long as it is useful and relevant.

Magazines and Journals – the Local Council Review and other regular publications received should be kept for as long as they are useful.

Correspondence – if related to audit matters, correspondence should be kept for the appropriate period specified in the attached annex.

Personnel matters– documentation relating to staff should be kept securely and kept for as long as it would be possible for a claim to be made against the council.

1. A system of records management which incorporates arrangements for disposal of records is required and the system or policies relating to record management should include a review of council documentation at least annually. Documents of historical importance, if not retained by the council, should be offered first to the county record office. The county archivist there will always be willing to advise on which records should be permanently preserved.

Retention of documents for legal purposes

2. Most legal proceedings are governed by 'the Limitation Acts'. The Acts (notably the Limitation Act 1980) state 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.

Category	Limitation Period
Medicines (and other 'Toxics')	6 years
	1 year
	6 years
	12 years
	6 years
	3 years
	12 years
	6 years
	None



3. Where 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. Rent arrears, for example, could fall within the following three categories (depending on the circumstances):
 - contract (6 years) – because all tenancies and leases are contracts;
 - leases (12 years) – if the arrears are due under a lease; and
 - rent (6 years) – if the arrears are due under a tenancy (and not a lease).
4. In these circumstances, the relevant documentation should be kept for the longer of the three limitation periods.
5. The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be 6 years but if the debt arises under a lease the limitation period will be 12 years (unless it relates to rent in which case the limitation period will be 6 years). For sums due under leases which are 'reserved as rent' for example, service charges expressed to be payable as 'additional rent'; the limitation period for service charges in those circumstances will be 6 years – even though the sums are due under a lease.
6. There is no limitation period in respect of trusts, therefore trust deeds and schemes and other similar documentation should never be destroyed.
7. Some limitation periods can be extended. For example:
 - 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); or
 - where a person is under a disability; or
 - where there has been a mistake or where one party has defrauded another or concealed facts.

In these circumstances council 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.
8. 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. Council should confirm the precise wording of any insurance policies to ensure that they comply with any terms they contain in respect of the retention of documents and information.

Data Protection and Freedom of Information Considerations

9. In November 2002, the Lord Chancellor issued a Code of Practice pursuant to section 46 of the Freedom of Information Act 2000. The Code, which is called the 'Lord Chancellor's Code of Practice on the Management of Records' applies to public authorities and also bodies which are subject to the Public Records Act 1958. Although council is not subject to the 1958 Act, it should familiarise itself with the contents of the Code of Practice.

Note: A copy of the Code of Practice is retained in the office for reference.

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ANNEX

RETENTION OF DOCUMENTS REQUIRED FOR THE COUNCIL AUDIT

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	5 years	Management
▪ Receipt and payment account(s)	Indefinite	Archive
▪ Receipt books of all kinds	6 years	VAT
▪ Bank statements, including deposit/savings 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	12 years/indefinite	Statute of Limitations
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Statute of Limitations
▪ VAT records	6 years	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Statute of Limitations
▪ 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 insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
▪ Members allowances register	6 years	Tax, Statute of Limitations

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
For Halls, Centre, Recreation Grounds		
<ul style="list-style-type: none"> ▪ application to hire ▪ lettings diaries ▪ copies of bills to hires ▪ record of tickets issued 	6 years	VAT
For Allotments		
<ul style="list-style-type: none"> ▪ register and plans 	Indefinite	Audit, Management
For Burial Grounds		
<ul style="list-style-type: none"> ▪ register of fees collected ▪ register of burials ▪ register of purchased graves ▪ register/plan of grave spaces ▪ register of memorials ▪ applications for interment ▪ applications for right to erect memorials ▪ disposal certificates ▪ copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)

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