



<b>Studley Parish Council Policy</b>	
<b>DOCUMENT RETENTION AND DISPOSAL</b>	
Status	Adopted
Date adopted	July 2022
Date of next review	October 2024

## 1. INTRODUCTION

The purpose of this document is to provide a corporate policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner and are retained and/or disposed of in the correct method and timescale.

This policy gives the Council a system for the management of paper and electronic records.

The Parish Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note on Local Council's Documents and Records (LTN 40), it therefore refers to legal requirements and recommended practice within the sector.

Where a policy refers to "documents" this includes both paper and electronic copies.

## 2. RETENTION OF DOCUMENTS

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

Subject to the above reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy are the appropriate minimum document retention periods.

## 3. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This 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.

<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

It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (eg in the case of disease)
- Where damage is hidden (eg to a building)
- Where a person is a child or suffers from a mental capacity
- Where there has been a mistake by both parties
- Where one party has defrauded another or concealed facts.

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; in this instance, the longer period will be observed. In such circumstances the Parish Clerk will consider:

- (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.

#### **4. DISPOSAL**

All Council documents will be handled in the correct manner for their sensitivity.

In accordance with data protection legislation, any document which contains data on an individual/s or personal data will be disposed of confidentially via the confidential waste bin service within the Council offices.

All electronic data will be deleted in accordance with guidance from the Information Commissioner either by physical destruction of the media or by the use of secure deletion software.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so via the Council's confidential waste service.

#### **5. RESPONSIBILITY**

The Parish Clerk holds responsibility for ensuring all Council employees are aware of and adhere to this Document Retention Policy, in particular the retention of the documents at Appendix A to the policy.

#### **6. PLANNING APPLICATIONS**

All planning applications and relevant decision notices are available at Stratford District Council. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Council minutes which are retained indefinitely.

## RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	6 years	Management
▪ Receipt & payment account /s ▪ Or Income & Expenditure	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	6 years	Limitation Act 1980 (as amended)
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Limitation Act 1980 (as amended)
▪ VAT records	6 years generally but 20 years for VAT on rents	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980(as amended)
▪ Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	Management
▪ Certificates for Insurance against liability for employees	40 years from date the 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, Limitation Act 1980 (as amended)

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<b>For Halls, Centre, Recreation Grounds</b>		
<ul style="list-style-type: none"> <li>▪ application to hire</li> <li>▪ lettings diaries</li> <li>▪ copies of bills to hires</li> <li>▪ record of tickets issued</li> </ul>	6 years	VAT
<b>For Allotments</b>		
<ul style="list-style-type: none"> <li>▪ register and plans</li> </ul>	Indefinite	Audit, Management
<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>▪ applications for interment</li> <li>▪ applications for right 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 (SI. 204)