



BARTON-LE-CLAY PARISH COUNCIL

DOCUMENT RETENTION POLICY

1. INTRODUCTION

Barton-le-Clay Parish Council (the 'Parish Council') recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council.

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

Barton-le-Clay Parish Council will retain its important documents, both electronic and paper documents for the periods listed in the table below (consistent with advice from NALC Legal Topic Note 40 – August 2022). These periods are to be considered as minimum retention times. The Clerk will be responsible for ensuring that the documents are filed in an orderly and secure manner at all times. Documents will be made available on request according to the requirements of the Council's Document Publication Policy.

2. RESPONSIBILITIES

The Clerk is expected to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems. This retention schedule refers to record series regardless of the media in which they are stored.

3. CORRESPONDENCE

General correspondence and emails will be retained for as long as is relevant, the minimum period is 1 year. An annual review of all documentation should be carried out and items that have reached their deletion or destruction date being deleted/destroyed and the remainder be considered for archiving.

It is down to individual Councillors to delete emails in their allocated Councillor email account.

4. TRUSTS

As there is no limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and scheme and other documentation.

5. 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. This period varies depending on the type of claim in question. The reference to 'category' in the table refers to claims brought in respect of that category.

| CATEGORY | LIMITATION PERIOD |
|--------------------------------|--------------------------|
| Breach of Trust | No limitation period |
| Contract | 6 years |
| Defamation | 1 year |
| Leases | 12 years |
| Negligence (and other 'torts') | 6 years |
| Personal injury | 3 years |
| Rent | 6 years |
| Sums recoverable by statute | 6 years |
| To recover land | 12 years |

Some types of legal proceedings may fall into two or more categories. NALC recommends that the longest of the limitation periods is adhered to.

6. RECORDS IDENTIFIED FOR PERMANENT PRESERVATION

These should be deposited with the local Archive Service once there is no longer an administrative need for them to be kept locally.

7. 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 in the cloud-based programme supplied by the Council's IT company.

Documentation no longer required will be disposed of in line with Section 8.

8. RECORDS TO BE DESTROYED

To protect confidential information, all records assigned for disposal should be securely destroyed. Paper records containing confidential information should be shredded. Electronic records should be deleted from digital files.

A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

9. RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

| Document Type | Minimum Retention Period (time is from the date on the document) | Retention Reason |
|---|---|-------------------------|
| Administrative | | |
| Minutes | Indefinite | Archive signed copies |
| Draft minutes/notes of minutes taken at meeting | Until minutes are approved | Operational |
| Agendas | Indefinite | Archive |
| Reports and other documents circulated with agendas | Until there is no longer an administrative requirement | Operational |
| Councillors Declaration of Acceptance of Office & Register of Interests | Term of office + 2 years | Operational |

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| Register of Electors | Until there is no longer an administrative requirement | Operational |
| Byelaws & Orders | Preserve one of each copy | Common Practice |
| Policy Documents | Until there is no longer an administrative requirement. Destroy old versions | Operational |
| Title deeds & Property registers | Indefinite | Common Practice |
| Maps, plans, surveys of property owned by the council | Indefinite | Common Practice |
| General correspondence | 2 years after correspondence ends | Operational |
| Complaints | 5 years after resolution of complaint | Operational |
| Information Requests | 1 year after resolution of request | Operational |
| General information not required for historical purposes | Until there is no longer an administrative requirement. | Operational |
| Village/parish appraisals, plans, projects & supporting papers | Until there is no longer an administrative requirement. | Operational |
| Planning applications & related papers for major controversial developments | Until the development is completed and there is no longer an administrative requirement. | Operational |
| Planning applications where permission is refused | 3 years or Until period for appeal has expired | Limitation Act 1980 |
| Neighbourhood Plans | Indefinite – final adopted plans | Archive |
| Leases, agreements, contracts & wayleaves | Indefinite | Audit, Management |
| Parish Council Newsletter | Indefinite – one copy to Archives | Common Practice |
| Routine internal correspondence and papers | Until there is no longer an administrative requirement. | Operational |
| Employers liability insurance policies | 40 years after expiry date | Employers Liability Act 1969 Employers Liability Regulations 1998 |
| Risk Assessments | Once superseded by a new risk assessment or once inactive – plus 1 prior year | Operational |
| Inspection Sheets | 6 years | Common practice |
| Health & Safety Records | 6 years | Common practice |
| Accident/Incident reports | 6 years or in the case of a child, until their 21st birthday | Common practice/Potential claims |
| Personnel | | |
| Personnel Files | 6 years after termination of employment | Risk of investigation regarding any future litigation |
| Annual Leave records | 2 years | Operational |
| Recruitment data | | Equalities Act |
| Successful | Add to Personnel File | |
| Unsuccessful | 6 months after recruitment finalised plus current year | |

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| Financial | | |
| Scales of fees and charges | 6 years | Management |
| Receipt books and payment Accounts | Indefinite | Council financial regulations |
| Receipt books of all kinds | 6 years | VAT |
| Annual Return and Audited accounts | Indefinite | Archive |
| Accounts and statements | 6 years | Council financial regulations |
| Cash & petty cash books, rent books, postage & telephone books | 6 years | Tax, VAT, Limitations Act 1980 (as amended), Council financial regulations |
| Bank statements including deposit/savings accounts | Last completed Audit year | Audit, Council financial regulations |
| Bank paying-in books, Cheque book stubs | Last completed Audit year | Audit, Council financial regulations |
| Paid invoices | 6 years | VAT Act 1994, Council financial regulations |
| Paid cheques | 6 years | Limitations Act 1980 (as amended) Council financial regulations |
| VAT records & Claims | 6 years (20 years for VAT on rents) | VAT Act 1994 |
| Time sheets | Last completed Audit year 3 years (best practice) | Audit, Council financial regulations |
| Wage books, PAYE, NI Records | 12 years | Superannuation & Limitation Act 1980 (as amended) |
| Members allowances register | 6 years | Tax, Limitation Act 1980 (as amended) |
| Quotations and tenders (successful) | 6 years after contract ends | Limitation Act 1980 (as amended) |
| Quotations and tenders (unsuccessful) | 2 years | Operational |
| Insurance Policies | While valid | Operational |
| Insurance company names and policy numbers | Indefinite | Management |
| Certificate 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 |
| S137 Grants | 6 years | Audit, Council financial regulations |
| Precept & Budgets | 6 years | Audit, Council financial regulations |
| Recreation Grounds, Sports Facilities | | |
| Records relating to applications to: <ul style="list-style-type: none"> • Hire • Letting diaries | 6 years | VAT Council financial regulations |

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| <ul style="list-style-type: none"> Copies of bills to hirers | | |
| Allotments | | |
| Register & Plans | Indefinite | Audit, Management |
| 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 Cemetery Order 1977 (SI. 204) |
| Miscellaneous | | |
| Marketing consent forms | 3 years | Common practice |
| Maps created under the provision of the Rights of way Act 1932 | Archive once inactive | Common Practice |
| Papers concerning Rights of Way | Until there is no longer an administrative requirement. | Operational |
| Community magazines or newsletters | Until there is no longer an administrative requirement. | Operational |
| Charity papers | Until there is no longer an administrative requirement. | Operational |
| Press cuttings | Until there is no longer an administrative requirement. | Operational |
| Photographs | Until there is no longer an administrative requirement. | Operational |
| Reports, guides, handbooks etc. received from other organisations | Until there is no longer an administrative requirement. | Operational |
| Historical records | Indefinite – to be securely kept for the benefit of the Parish | Archive/Common Practice |

Review Process.

This Policy will be reviewed by the Policies & Resources Committee bi-annually before being submitted to the Council for adoption.