

STOKE TRISTER WITH BAYFORD PARISH COUNCIL

Draft Retention Policy

Retention Schedule for Council Records

There is a clear need to retain documentation for a variety of reasons including audit purposes, staff management, tax and VAT and the potential eventuality of legal dispute and proceedings.

The Retention Schedule includes the main types of Council records. Each entry lists the record series along with the proposed action, the retention periods and reasons for the action. Further information can be sought from the National Association of Local Councils (NALC), the Local County Association or the Society of Local Council Clerks.

The following information provides an explanation for each of the three action terms used within the schedule.

Records identified for permanent preservation

Records in this category have been identified for permanent retention. These should be deposited with the local Archive Service once there is no longer an administrative need for them to be kept locally.

The only financial records recommended for deposit are the payment and receipt books or the annual audited accounts if the former has not survived. These are often filed with receipts and payments that are not necessary for preservation and should be weeded prior to their transfer to the Archive Service.

Records in this category should be transferred to the local Archive Service after the minimum retention period or once they become inactive.

Records to be destroyed

A large number of parish and town council records can be destroyed once they become inactive or the minimum retention period expires. Financial records account for the majority of this category. These must be kept for a minimum of 6 years after the last entry (Limitation Act 1980 (as amended), VAT Act 1994 etc.), but may be retained for longer depending on local circumstances. Records not given a minimum retention period can be destroyed once there is no longer an administrative requirement for their custody. If Council is unsure whether a document or series of records should be destroyed, then please contact the local Archive Service for further guidance.

To protect confidential information, all records assigned for disposal should be securely destroyed. Paper records containing confidential information should be shredded or pulped, and not simply thrown out with other classes of records. Electronic or machine-readable records will require a two-step process for assured confidential destruction:

- Deletion of the contents of digital files, and
- The use of commercially available software applications to remove all residual data from the storage device. These processes may be outsourced to credible commercial companies who specialise in confidential destruction of records.

The Limitations Act 1980 (as amended) provides that legal claims may not be commenced after a specified period. The table below sets out the different limitation periods for 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 |

RETENTION PERIODS FOR COUNCIL DOCUMENTS

| Records | Minimum Retention period | Action | Reason |
|---|---|---------------------------------|-------------------------------------|
| Administrative | Minimum Retention period | Action | Reason |
| Minute books | Indefinite | Preserve | Archive |
| Signed council and committee minutes | Indefinite. Can be transferred to local Archive after 6 years or once they become inactive. | Preserve | Common practice |
| Draft minutes | Until the date of confirmation of the minutes | Destroy | Operational |
| Agendas | Until there is no longer an administrative requirement. Can be transferred to local Archive after 6 years or once they become inactive. | Destroy | Operational |
| Reports and other documents circulated with agendas | Until there is no longer an administrative requirement. Destroy these reports if copies are already included with signed minutes | Review | Common practice |
| Councillors' declarations of office | 4 years or until they vacate office | Destroy | Operational |
| Register of electors | Until there is no longer an administrative requirement | Destroy | Copies already in existence |
| Grouping orders | Until there is no longer an administrative requirement | Destroy | Operational |
| Byelaws and orders | Preserve one of each copy and transfer to local Archive once they become inactive | Preserve | Common practice |
| Policy documents | Until there is no longer an administrative requirement. Destroy old versions. | Review | Operational |
| Title deeds more than 100 years old | Indefinite. Transfer to local Archive once they become inactive. | Preserve | Audit/Management Common practice |
| Title deeds less than 100 years old | Indefinite. Transfer to local Archive for review once they become inactive. | Review | Audit/Management Common practice |
| Property registers and terriers | Indefinite. Transfer to local Archive once they become inactive. | Preserve | Common practice |
| Maps, plans, and surveys of property owned by the council or meeting | Indefinite. Transfer to local Archive once they become inactive | Preserve | Common practice |
| General correspondence | 6 Years after correspondence ends | Destroy | Operational |
| Complaints | 6 Years after resolution of complaint | Destroy | Operational |
| Information Requests | 6 Years after resolution of request | Destroy | Operational |
| Village/parish appraisals, plans, millennium projects and supporting papers | Until there is no longer an administrative requirement | Review | Operational |
| Planning applications and related papers for major controversial developments | Until there is no longer an administrative requirement | Review with the view to destroy | Operational |
| Planning applications for minor works where permission is refused | 6 years | Destroy | Limitation Act 1980 |

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| Leases, agreements, contracts and wayleaves | Indefinite | Preserve | Audit/Management |
| Parish council newsletter | Indefinite. Transfer one copy to local Archive. | Preserve | Common practice |
| Newsletter mailing list | Retain until consent withdrawn or following regular review consent no longer provided | Destroy | Operational |
| Routine internal correspondence and papers | Until there is no longer an administrative requirement | Review with the view to destroy | Operational |
| Scale of fees and charges | Until superseded by new charges | Destroy | Operational |
| Employers' liability insurance policies | 40 years after expiry date | Destroy | Employers' Liability Act 1969 Employers' Liability Regulations 1998 |
| Risk assessments | Once superseded by a new risk assessment or once inactive | Destroy | Operational |
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| Personnel | Retention period | Action | Reason |
| Personnel files | 6 Years after termination of service | Destroy | Risk of investigation regarding any future litigation |
| Personnel files – annual leave | 2 years | Destroy | Operational |
| Recruitment data | | Destroy | Equalities Act |
| Successful | Add to personnel file | | |
| Unsuccessful | 6 months after recruitment finalised plus current year | | |
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| Financial | Retention period | Action | Reason |
| Scales of fees and charges | 6 years | Destroy | Management |
| Receipt and payment books | Indefinite. Transfer to local Archive once they become inactive | Preserve | Council financial regulations |
| Rate books | Indefinite. Transfer to local Archive once they become inactive | Preserve | Common practice |
| Receipt books of all kinds | 6 years | Destroy | VAT |
| Annual audited accounts | 6 years. | Destroy, but preserve if the receipt and payment books have not survived. | Council financial regulations |
| Accounts and statements | 6 years | Destroy | Council financial regulations |
| Vouchers before 1950 | 6 years | Destroy | Council financial regulations |
| Cash and petty cash books, rent books, postage and telephone books | 6 years | Destroy | Tax, VAT, Limitations Act 1980 (as amended) Council financial regulations |

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| Receipt books of all kinds | 6 years | Destroy | Council financial regulations |
| Postage and telephone books | 6 years | Destroy | Council financial regulations |
| Bank statements including deposit/saving accounts | 6 years | Destroy | Council financial regulations |
| Bank paying-in books | Last completed Audit year | Destroy | Council financial regulations |
| Cheque book stubs | Last completed Audit year | Destroy | Council financial regulations |
| Paid invoices | 6 years | Destroy | VAT Council financial regulations |
| Paid cheques | 6 years | Destroy | Limitation Act 1980 (as amended) Council financial regulations |
| VAT records | 6 years | Destroy | VAT Act 1994 |
| VAT claims | 6 years | Destroy | VAT Act 1994 |
| Time sheets | Last completed Audit year | Destroy | Council financial regulations |
| Wage books | 12 years | Destroy | Superannuation & Limitation Act 1980 (as amended) |
| Members' allowances register | 6 years | Destroy | Tax, Limitation Act 1980 (as amended) |
| Quotations and tenders (successful) | 6 years after contract ends | Destroy | Limitation Act 1980 |
| Quotations and tenders (unsuccessful) | 2 years | Destroy | Operational |
| Insurance policies | While valid | Destroy | Operational |
| Certificate for Insurance against liability for employees | 40 years from date on which insurance commenced or was renewed. | Preserve | The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management |
| Investments | Indefinite | Preserve | Audit, Management |
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| Parish Halls, Centres and Recreation Grounds | Retention period | Action | Reason |
| Records relating to applications to: <ul style="list-style-type: none"> • Hire; • Letting diaries; • Copies of bills to hirers; • Records of tickets issued. | 6 years | Review with the view to destroy | VAT Council financial regulations |

| Allotments | Retention period | Action | Reason |
|---|--|---------------|---|
| Register & Plans | Indefinite | Preserve | Audit, Management |
| Burial Grounds | Retention period | Action | Reason |
| <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 | Preserve | Archives, Local Authorities Cemetery Order 1977 (Sl. 204) |
| Miscellaneous | Retention period | Action | Reason |
| Marketing Consent Forms | 3 years | Destroy | Best Practice |
| Maps created under the provision of the Rights of Way Act 1932 | Transfer to HRO once they become inactive | Preserve | Common practice |
| Papers concerning Rights of Way | Until there is no longer an administrative requirement | Destroy | Operational |
| Community magazines or newsletters(not created by the parish council) | Until there is no longer an administrative requirement | Review | Operational |
| Charity papers | Until there is no longer an administrative requirement | Review | Operational |
| Press cuttings book | Until there is no longer an administrative requirement | Review | Operational |
| Photographs | Until there is no longer an administrative requirement | Review | Operational |
| Any records predating the establishment of Parish Councils (1894), e.g. poor law, surveyors of the highway, tithe maps and apportionments, enclosure awards etc. | Transfer to local Archive as soon as possible | Preserve | Common practice |
| Records of other bodies such as burial boards, charities, fire brigades, Home Guard unit, local society or ad hoc committee | Transfer to local Archive once they become inactive | Preserve | Common practice |
| Reports, guides, handbooks etc received from other organisations | Until there is no longer an administrative requirement | Review | Operational |