

**Market Drayton Town Council**

**THE RETENTION OF DOCUMENTS & RECORDS POLICY**

**Introduction**

A record is any information held by a Council and relating to any topic, area of work, decision reached, action taken or individual and regardless of the medium in which it is held whether in paper or electronic format.

The Council should recognise that:

* Records are a corporate resource and a valuable asset
* Information has to be looked after properly
* A co-ordinated approach has to be taken to its management.

S227(1) Local Government Act 1972 requires a Council to provide a proper repository for its records.

A Council has a responsibility to ensure that records are:

* Created accurately
* Stored effectively
* Kept securely
* Traced efficiently
* Retained in their original form if required for the purpose of legal proceedings
* Retained only for as long as necessary and disposed of appropriately

***Responsibility for all records throughout their lifetime (from creation to disposal) shall rest with the Proper Officer of a Council.***

Legislation now in place on information handling means that there is a need to manage information and to have an effective system for servicing the enhanced rights of access under the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOI). Reference should be made to the Council’s Data Protection Policy, Freedom of Information Policy & Publication Scheme. Reference should also be made to the Lord Chancellor’s Code of practice on the Management of Records pursuant to s46 Freedom of Information Act 2000 (Issued November 2002).

**Retention of documents for legal purposes**

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** |
| 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 |

Cognisance must be taken on the duty of a Council and in particular its Proper Officer to retain certain information, for certain purposes and for certain periods of time.

**Record Maintenance**

Given the limited space to keep such documents it is necessary to review a Council’s Policy on retention of its records and documents. Set out below are the minimum retention periods for which various types of records must be kept. These reflect statutory requirements, codes of practice and recommendations published by professional and other bodies. ***In the absence of such guidance, it shall be the responsibility of the Clerk to determine a suitable retention period.***

| **DOCUMENT** | **MINIMUM RETENTION PERIOD** | **REASON** |
| --- | --- | --- |
| **Council Management** |
| Minutes  | Indefinitely | Archive |
| Agendas & Meeting documentation - Electronic | 25 Years | Limitation Act 1980 (as amended) |
| Agendas & meeting documentation - Paper | 12 Years | Limitation Act 1980 (as amended) |
| Council Attendance Register | Throughout the 4 year term of office | Management |
| Declarations of Acceptance of Office | Indefinitely | Management, Archive |
| Register of Members Interest | 6 Years or as long as the Councillor remains in office (whichever is the greater) | Audit, Tax, VAT |
| Council Standing Orders, Policies & Procedures | Whilst the documents remain in force | Management |
| Council Newsletters, Precept Sheets & Annual Reports | Indefinitely | Management, Archive |
| Personnel Information | 6 Years after individual ceases to be an employee | Limitation Act 1980 (as amended) |
| Disciplinary/grievances | Reviewed 6 years after last action | Management |
| Recruitment documents | 6 Months | Management |
| Litigation | 6 Years after folder closure | Limitation Act 1980 (as amended) |
| **Council Finances** |
| Cash Book Accounts, Sales & Purchase Ledgers | Indefinitely | Management |
| Title Deeds, Leases, Agreements & Contracts | Indefinitely | Audit, Management |
| Investments | Indefinitely | Audit, Management |
| Audited Accounts | Indefinitely | Audit, Management |
| Precept Requests | Indefinitely | Audit, Management |
| Successful grant applications | 6 years + current year | Audit |
| Unsuccessful grant applications | 3 months after decision | Management |
| Successful tenders | 6 Years + current year | Audit |
| Unsuccessful tenders | 2 Years | Audit  |
| Wages ~~Book~~ records | 12 years | ~~Superannuation~~ Audit |
| Pension records | 12 years | Superannuation |
| Receipt Books | 6 Years | VAT |
| Paid Invoices | 6 Years | VAT |
| Paid cheques | 6 Years | Limitation Act 1980 (as amended) |
| VAT Records | 6 Years | VAT |
| Petty Cash Records | 6 Years | Tax, VAT, Statute of Limitation Act 1980 (as amended) |
| Members Allowance Register | 6 Years | Tax, Audit, Management, Statute of Limitation Act 1980 (as amended) |
| Scales of Fees & Charges | 5 Years | Management |
| Bank Statements | Last completed audit year | Audit |
| Bank Paying-in Books | Last completed audit year | Audit |
| Cheque Book Stubs | Last completed audit year | Audit |
| Timesheets | Last completed audit year3 Years | Audit (requirement) Personal injury (best practice) |
| Insurance Policies | While Valid | Management |
| Certificates for insurance against liability for employees | 40 years from date in which insurance commenced or was renewed | The Employers’ Liability (Compulsory Insurance) Regulations 1998 (SI2753), Management |
| Insurance Policies, Insurance Claims & Health & Safety Records | 3 Years after the policy lapses | Management |
| **Property** |
| Premises Inspection Records | 12 Years | Statute of Limitations |
| Asset equipment records | 21 years | Statute of Limitations |
| **Burials & Cemetery** |
| ~~Maps~~/~~Registers/Records~~ | ~~Indefinitely~~ | ~~Management, Archive~~  |
| Register of fees collected | Indefinitely | Archives, Local |
| Register of burials | Indefinitely | Authorities Cemeteries Order 1977 |
| Register of purchased graves | Indefinitely | Authorities Cemeteries Order 1977 |
| Register/plan of grave spaces | Indefinitely | Authorities Cemeteries Order 1977 |
| Register of memorials | Indefinitely | Authorities Cemeteries Order 1977 |
| Applications for interment | Indefinitely | Authorities Cemeteries Order 1977 |
| Copy certificate of grant of exclusive right of Burial | Indefinitely | Authorities Cemeteries Order 1977 |
| **Allotments** |
| Allotments Plan | Indefinitely | Audit, Management |
| Allotment Register | Indefinitely | Audit, Management |
| Allotment Tenancy Agreements | Throughout the period of tenancy & 6 Years following  | Audit, Management, Statute of Limitations |
| Allotment Tenancy Correspondence  | Throughout the period of tenancy | Audit, Management |
| **Risk Assessments** |
| Weekly Inspection Logs | 12 Years | Limitation Act 1980 (as amended) |
| Annual Inspection Logs | 12 Years | Limitation Act 1980 (as amended) |
| Risk Assessments | 12 Years | Limitation Act 1980 (as amended) |
| **Planning & Conservation** |
| Planning Register | Indefinitely | Management |
| Planning Applications, related correspondence & Notices of Decision (General) | 6 months | Management  |
| Planning Applications, related correspondence & Notices of Decision (Strategic/Historical) | 5 Years | Management |
| Tree Pruning/Felling Applications | 6 Year | Management |
| Tree Preservation Orders | Indefinitely | Management |
| Road Traffic Orders | Whilst the order remains in force or 1 Year which ever is the greater | Management |
| Planning Policy Guidance/Statements, Regional Plans, Structure Plans, Local Plans, Community Plans & similar documents | Whilst the documents remain in force | Management |
| Definitive Maps, Planning Maps, Public Rights of Way Maps, Conservation Area Maps & similar documents | Indefinitely  | Management, Archive |
| Listed Building Register | Indefinitely | Archive |
| **Publications** |
| Journals & Periodicals | 3 Years (or retained as long as is useful & relevant) | Management |
| Catalogues | 1 Year | Management |
| **Civic/Mayoral Activities** |
| Civic Diaries | Indefinitely | Audit, Tax, Vat, Management, Archive |
| Civic Correspondence | 6 Years | Audit, Tax, Vat, Management, Archive |
| Mayoral List | Indefinitely | Management, Archive |
| Mayoral Photographs | Indefinitely | Management, Archive |
| **General Correspondence** |
| General Correspondence (on non-historic importance) | Destroyed annually if no longer of use or value | Management |
| General Correspondence (historic importance) | Offered to the County Archivist if no longer of use or value | Archive |
| Surveys and returns | Until project completed | Management |
| Press releases | 2 Years | Management  |

**Record Disposal**

The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated so saving storage costs as well as cost in terms of staff, time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find. Greater use should be made of a Council’s powers under S229 Local Government Act 1972 which allows for any requirement posed by statute on a Local Authority to keep a document is satisfied by keeping a photographic copy; interpreting this legislation in a modern day context, paper records can now be scanned and electronically archived and the original disposed of.

Records designated as no longer required must be securely disposed of to preserve confidentiality.

Any records designated as no-longer required but considered to have historical significance shall be the subject of consultation with the County Archivist and shall be kept in an archival institution if expert guidance considers such action appropriate.

Under the FOI, it is a criminal offence to tamper with any file once a FOI request has been made. If any documents which would require disposal under the above guidelines is the subject of an FOI request, disposal must be delayed even if the request has been refused, until the information has been disclosed and all appeal times/procedures have been exhausted.

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