



**Petworth Town Council**

# **RETENTION OF DOCUMENTS POLICY**

## **1. Introduction**

1.1 Information is one of the Council's corporate assets; in the course of carrying out its' various functions, the Council accumulates information from both individuals and external organisations. The Council also generates a wide range of data, which is recorded in documents and records.

1.2 These documents and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and attendance notes; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of applications, including forms, plans, drawings, photographs and tape recordings.

1.3 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form.

1.4 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational needs. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.

1.5 Premature destruction of documents could result in inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act 2000 and the Data Protection Act 1998

1.6 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist the Council to maintain sufficient electronic and office storage space and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could result in the Council breaching the Data Protection Act 1998.

1.7 It is important for the above reasons that the Council has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes.

## **2. Aims and Objectives**

2.1 The key objective of this Policy is to provide the Council with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents which are to be retained by the Council, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.

2.2 It is envisaged that this Policy will assist the Council in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the Data Protection Act 1998 and the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000. In addition to assisting officers in their day to day business, this should also ensure that searches for information requested under the Freedom of Information legislation are as quick as possible.

2.3 Additionally, the Policy should help to ensure that the Council archives records and documents that are of historical value appropriately for the benefit of future generations.

## **3. Scope**

3.1 This Document Retention Policy applies to all information held by the Council and its external service providers where they are processing information on the Council's behalf.

This policy applies to all records created, received or maintained by the Town Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Town 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.

A small percentage of the Town Council's records will be selected for permanent preservation as part of the Council's archives and for historical research.

## **4. Policy Statement**

4.1 Petworth Town Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory functions and the provision of services.

## **5. Retention and Disposal Policy**

5.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy.

5.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document is taken, then consideration should be given to the method of disposal to be used.

## **6. Roles and Responsibilities**

6.1 The Town Clerk will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents.

6.2 The Town Clerk should seek legal advice if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document is necessary to protect the Council's position where a potential claim has been identified.

6.3 The Town Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk to the Town Council.

6.4 The Town Clerk is responsible for records management and they will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

6.5 Individual councillors and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the Town Council's records management guidelines.

## **7. Disposal**

7.1 Confidential waste documents should be shredded.

7.2 Disposal of documents other than those containing confidential or personal data may be disposed of by binning, recycling, deletion (in the case of electronic documents), and the transfer of documents to external bodies. Transfer of documents to external bodies will be unusual, but could be relevant where documents are of historic interest and may therefore be sent to the county archivist or a museum.

## **8. Disposal and Retention Considerations**

Each of the following questions and guidance underneath them should be considered prior to the disposal of any document.

### **8.1 Has the document been appraised?**

Check that the nature and contents of the document is suitable for disposal.

### **8.2 Is retention required to fulfil statutory obligations or other regulatory obligations?**

Specific legislation setting out mandatory retention periods for documentation held by local government is very limited, but includes the following:-

- Tax legislation – minimum retention periods for certain financial information are stipulated by the VAT Act 1994 and the Taxes Management Act 1970.
- Statutory registers – Various local government statutes requires registers to be kept for a variety of functions.
- The Audit Commission Act 1998 – Provides auditors with a right of access to every document relating to the Council that appears necessary for the purposes of carrying out the auditor's function under the Act.
- The Local Government Act 1972, Part VA – Governs public access to certain documents relating to Council and Committee meetings.

### 8.3 Is retention required for evidence?

Keep any documents which may be required for legal proceedings until the threat of proceedings has passed.

The limitation period for commencing litigation should also be a key consideration. This is governed by the Limitation Act 1980 and the main time limits that apply directly to local government are:-

- Contract or tort (such as negligence or nuisance) claims (other than personal injury) cannot be brought after six years from the date on which the cause of the action occurred.
- Personal injury claims cannot be brought after three years from the date on which the cause of action occurred.
- Claims based on provisions contained in documents that are 'under seal' cannot be brought after twelve years from the date on which the cause of action occurred.

### 8.4 Is retention required to meet the operational needs of the service?

Consider whether the document in question may be useful for future reference, as a precedent or for performance management purposes

### 8.5 Is retention required because the document or record is of historic interest or intrinsic value?

In most cases this consideration will not be relevant.

If a particular document has historic or financial value, consideration should be given to whether it should be retained by the Council, or alternatively by an external body, such as the County Archivist.

## 9. Retention Schedule

Under the Freedom of Information Act 2000, the Town Council is required to maintain a retention schedule listing the record series which it creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

### RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF TOWN COUNCIL

Document	Minimum retention period	Reason
Signed minutes of council meetings (Hard copy)	Indefinite	Archive
Scale of fees and charges	6 years	Management
Receipt and payment accounts (Hard copy)	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	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	Last completed audit year	Audit
Wages books/Payroll records	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date from when insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (Sl. 2753), Management
Investments	Indefinite	Audit, Management

<b>Document</b>	<b>Minimum retention period</b>	<b>Reason</b>
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
<b>For Halls, Centre, Recreation Grounds</b>		
Application to hire	6 years	VAT
Lettings diaries	6 years	VAT
Copies of bills to hirers	6 years	VAT
Record of tickets issued	6 years	VAT
<b>Health and Safety</b>		
Accident books	25 years from closure	Management
Equipment Inspection Records	25 years	Management
Premises Inspection records	25 years	Management
Risk assessment	3 years from last assessment	Management
<b>Members</b>		
Register of members interests	18 months after individual ceases to be a Member	Management
<b>Miscellaneous</b>		
Complaints	5 yrs after closure of case	Management
Press releases	6 years	Management
Public consultation - survey and returns	5 years	Management
Register of Officer interests	Indefinite	Management
Reports, newsletters, etc.	Retain as long as useful	Management
<b>Planning</b>		
Planning applications	Until approval comes through	Planning and enforcement
Appeal decision notice	Until development completed	Planning and enforcement
Planning applications where refused, plans and decision letters	Until period in which appeal can be made expires	Planning and enforcement
Structure plans, Local Plans and similar documents	As long as in force	Planning and enforcement
<b>Documentation for Legal purposes (unless extended)</b>		
Negligence	6yrs	Limitation Act 1980 (as amended)
Defamation	1yr	Limitation Act 1980 (as amended)
Contract	6yrs	Limitation Act 1980 (as amended)
Sums recoverable	6yrs	Limitation Act 1980 (as amended)
Leases	12yrs	Limitation Act 1980 (as amended)
Personal injury	3yrs	Limitation Act 1980 (as amended)
To recover land	12yrs	Limitation Act 1980 (as amended)
Rent	6yrs	Limitation Act 1980 (as amended)
Breach of Trust	None	Limitation Act 1980 (as amended)

**March 2017**

**Signed.....**

**Chair of Petworth Town Council**

Adopted at full council meeting 16.3.17. Date of next review March 2018.