Cottingham Parish Council



**POLICY FOR**

**RETENTION OF DOCUMENTS**

**Introduction**

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

The Council recognises 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 the Parish Council to provide a proper repository for its records. The Act also allows for the Parish Council records to be stored in a central repository operated by the District Council (The Treasure House). As such the Council accepts that it 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 disposed of appropriately;

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

**Policy Statement**

The Council’s policy is to:-

* Manage its records in a systematic and planned way to prevent or at least to minimize potential risks;
* Ensure that it can control the quantity and quality of information generated from the time a record is created until its ultimate disposal;
* Maintain information in a manner that effectively services the needs and those of its stakeholders;
* Dispose of the information appropriately when it is no longer required;
* Satisfy the provisions of the Code of Practice on Management of Records issued under S46 Freedom of Information Act;

**Retention of documents for Legal Purposes**

Most legal proceedings are governed by “Limitations 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 the claim. The reference to ‘category’ in the table refers to claims brought in respect of that category.

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| **Category** | **Limitation Period** |
| Negligence | 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 |

**Record Maintenance**

Set out below are the minimum retention periods for which various types of Council records must be kept. These reflect statutory requirements, codes of practice and recommendation by ERNLCCA.

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| --- | --- | --- |
| **DOCUMENT** | **MINIMUM RETENTION PERIOD** | **REASON** |
| **Council Management** | | |
| Minutes | Indefinitely | Archive |
| Agendas & Meeting documentation | 12 years | Statute of Limitations |
| 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 greatest)* | 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 | Statute of Limitations |
| **Council Finances** | | |
| Title Deeds, Leases, Agreements & Contracts | Indefinitely | Audit, Management |
| Investments | Indefinitely | Audit, Management |
| Audit Returns | Indefinitely | Audit, Management |
| Precept Requests | Indefinitely | Audit, Management |
| Quotations & Tenders | 12 years | Statute of Limitations |
| Scales of Fees & Charges | 5 years | Management |
| VAT records | 6 years | VAT |

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| **DOCUMENT** | **MINIMUM RETENTION PERIOD** | **REASON** |
| Petty Cash Records | 6 years | TAX, VAT, Statute of Limitations |
| Receipt & Payments Accounts | Indefinitely | Management |
| Bank Statements | Last completed audit year | Audit |
| Bank Payin-Books | Last completed audit year | Audit |
| Receipt Books | 6 years | VAT |
| Cheque Book stubs | Last completed audit year | Audit |
| Paid Invoices | 6 years | VAT |
| Paid Cheques | 6 years | Statute of Limitations |
| Wages Payments | 12 years | Superannuation |
| Timesheets | Last completed audit year | Audit |
| Insurance Policies | While valid | Management |
| Insurance Policies, Insurance claims & Health & Safety Records | 3 years after policy lapses | Management |
| **Allotments** | | |
| Allotments Plans/Register | Indefinitely | Audit, Management |
| Allotment Tenancy Agreements | Throughout the period of tenancy | Audit, Management, Statute of Limitations |
| Allotment Tenancy Correspondence | Throughout the period of tenancy | Audit, Management |
| **Planning & Conservation** | | |
| Planning Register | Information stored on ERYC Planning Portal.  Prior to this – a Planning Day is available electronically | Management |
| Planning Applications, related correspondence & Notices of Decision (General) | Information stored on ERYC Planning Portal | Management |
| Planning Applications, related correspondence & Notices of Decision (Strategic/Historical) | Information stored on ERYC Planning Portal | Management |
| Tree Pruning/Felling applications | Information stored on ERYC Planning Portal | Management |
| Tree Preservation Orders | Indefinitely | Management |
| Planning Policy, guidance/statements, regional plans, structure plans, local plans, community plans and similar documents | Whilst the order remains in force or 1 year whichever is the greater | Management |
| Definitive Maps, Planning Maps, Public Rights of Way Maps, Conservation area, maps and similar documents | Indefinitely | Management, Archive |
| Listed Building Register | Indefinitely | Archive |

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| --- | --- | --- |
| **General Correspondence** | | |
| General Correspondence  (on non-historic importance) | Destroyed annually if no longer of use | Management |
| General Correspondence  (historic importance) | Offered to the County Archivist if no longer of use or value | Archive |
| Journals, Periodicals, Publications  (eg The Clerk) | 1 year (or retained as long as is useful & relevant) | Management |

**Record Disposal**

The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated thus saving storage, staff time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find.

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 at the Treasure House and shall be kept in an archival institution if expert guidance considers such action appropriate.

**Freedom of Information**

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

This Policy will:-

* Be publicised to staff and made available for reference;
* Apply to all the Council’s records, regardless of how they are held;
* Be reviewed every two years;

This Policy was adopted by Cottingham Parish Council meeting held on 18 February 2016. Minute No 2480.

Signed: …………………………………………………………………………………….

*(Chair of Cottingham Parish Council)*