**Hooe Parish Council**
**DOCUMENT RETENTION and DISPOSAL POLICY**

## Introduction

Hooe Parish Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings. Under the Freedom of Information Act 2000 the parish council is required to maintain a retention schedule listing of the records it creates in the course of its business.

In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002.

## Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides 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.

| Category | Limitation Period | Disposal |
|---|---|---|
| Negligence (and other torts) | 6 years | Confidential Waste |
| Defamation | 1 year | Confidential Waste |
| Contract | 6 years | Confidential Waste |
| Leases | 12 years | Confidential Waste |
| Sums recoverable by statute | 6 years | Confidential Waste |
| Personal Injury | 3 years | Confidential Waste |
| To recover land | 12 years | Confidential Waste |
| Rent | 6 years | Confidential Waste |
| Breach of trust | None | Confidential Waste |

Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.

As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.

Some limitation periods can be extended. Examples include:

- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
- where damage is latent (e.g. to a building);
- where a person suffers from a mental incapacity;
- where there has been a mistake or where one party has defrauded another or concealed relevant facts.

In such circumstances, the council will weigh up (i) the costs of storing relevant documents and (ii) the risks of:

claims being made;
the value of the claims; and
the inability to defend any claims made should relevant documents be destroyed.

**Document retention schedule**

The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

| DOCUMENT | MINIMUM RETENTION PERIOD | REASON | Disposal |
|---|---|---|---|
| Minutes | Indefinite | Archive | Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. Move to The Keep |
| Recordings of minutes | To write up the minutes | | Either immediately the draft minutes are completed/ or when the draft minutes are adopted at the next council meeting |
| Agendas | 5 years | Management | Bin |
| Scale of fees and charges | 6 years | Management | Bin |
| Receipt and payments account(s) | Indefinite | Archive | N/A |
| Receipt books of all kinds, including ledgers | 6 years | VAT | Bin |
| Bank statements, including savings/deposit accounts | Last completed audit year | Audit | Confidential Waste |
| Bank paying-in books | Last completed audit year | Audit | Confidential Waste |
| Cheque book stubs | Last completed audit year | Audit | Confidential Waste |
| Quotations and tenders | 6 years after completion of contract | Limitation Act 1980 (as Amended) | Confidential Waste |
| Paid invoices | 6 years | VAT | Confidential Waste |
| Paid cheques | 6 years | Limitation Act 1980 | |
| VAT records | 6 years | VAT, Tax | Confidential Waste |
| Petty cash, postage and telephone books | 6 years | Tax, VAT, Limitation Act | Confiential waste |

**Commented [HC1]:** Need to decide how often. My recommendation would be annually after year end Audit has concluded (electronic minutes will be on the laptop and on the website)

**Commented [HC2]:** Choice - but consistent with other policies.

**Commented [HC3]:** 5 years is in line with other documents to be shown on the website.

| | | | |
|---|---|---|---|
| | | 1980 | |
| Timesheets | Last completed audit year (3 years) | Audit - requirement (personal Injury – best practice) | Bin (Shred confidential waste) |
| Payroll Records | 12 years | Superannuation | Confidential Waste |
| Insurance policies | While valid (Also see below) | Management | Bin |
| Certificates for insurance against liability for employees | 40 years from date on which the insurance commenced or was renewed | Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management | Bin |
| Investments | Indefinite | Audit, Management | N/A |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management | N/A |
| Members allowances register | 6 years | Tax, Limitation Act 1980 | Confidential Waste |
| Correspondence, emails, information from other bodies (eg circulars from county, district authorities, NALC, ESALC) | As long as relevant and useful. | Limitation Act 1980 | Bin delete and delete any backups. |
| Accident book/reports | 20 years | Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013 | Confidential Waste |
| Annual accounts and asset registers | Indefinite | Archive | N/A |
| Asbestos and hazardous materials records | Indefinite | Asbestos Regulations | N/A |
| Previous versions of policies, standing orders, schemes of delegation | 3 years | Data Protection Act 1998 | Bin |
| Risk Assessments | 3 years from last assessment | Management | Bin |
| Public Consultations | 5 years | Management | Confidential waste if contain names and addresses. |
| Planning Applications | Not retained | Retained by Wealden District Council | |
| Applications on which the Parish Council has commented | Not retained | Retained by Wealden | Bin |

**Commented [HC4]:** This is really important as currently the agreement with Uniserve is to keep indefinitely. This would cause a conflict wit the legislation outlined in this policy.

| | | | |
|---|---|---|---|
| | | District Council | |
| **For halls, centre, recreation grounds**<br>Application for hire<br>Lettings diaries<br>Copies of bills to hirers<br>Record of tickets issued | 6 years | VAT | Confidential Waste |
| **For allotments**<br>Register and plans | Indefinite | Audit /Management | |
| **For burial grounds**<br>Register of fees collected<br>Register of burials<br>Register of purchased graves<br>Register/plan of grave spaces<br>Register of memorials<br>Application for internment<br>Application for rights to erect memorials<br>Disposal certificates<br>Copy certificates of grant of exclusive right of burial | Indefinite | Archives, Local Authorities Cemeteries Order 1977 | N/A |
| **Complaints** | 1 year | Management | Confidential Waste |
| **Personnel/Staff Matters**<br>**Application forms (unsuccessful candidates)**<br>**Disciplinary Records**<br>**Personnel Files including SSP**<br><br>**Pension Contributions** | <br>6 months<br><br>In accordance with policy, normally 6 months<br>6 years after ceasing employment<br><br>6 years | <br>Management<br><br>Management<br>Limitations Act 1980<br><br>Pensions Act 2014 | <br>Confidential Waste<br>Confidential Waste<br>Confidential Waste<br><br>Confidential Waste |

The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Clerk.

**Disposal Procedures**

All documents that are no longer required for administrative reasons should, as a minimum, be shredded and disposed of in accordance with the Data Protection Act 1998.
Computer records should be deleted, including backups.