



RETENTION OF DOCUMENTS POLICY

Introduction

Cleobury Mortimer Town Council recognises that its records are an important public asset and are a key resource to effective operation and to accountability. Like any asset, they require careful management and this policy sets out the Council's responsibilities and activities in regard to the management and retention of its records. The term "records" applies equally to paper and electronic records.

The effective management of records in all formats depends as much on their efficient disposal as well as their long-term preservation. As a local authority the Town Council must be consistent in the way it handles and disposes of its information. These guidelines will assist the Council in meeting local needs whilst providing a consistent approach to record keeping across the Council.

These guidelines are also extremely important in the context of both Freedom of Information Act 2000 and Data Protection Act 2018 compliance. The public expect equality of openness and availability across the government sector, and stakeholders will expect that their interests are being safeguarded. These guidelines are instrumental in achieving these aims.

Scope

The guidelines have been issued to support Town Council staff and councillors in the areas of records management, records retention, Data Protection Act, Freedom of Information Act and the Local Government Act.

They are intended to cover all records and information from creation through to either their destruction or retention for historical or research purposes.

Backup copies on alternative media (e.g. server or paper) should also be destroyed, in accordance with these guidelines. This is to ensure compliance with Data Protection and Freedom of Information Act legislation requirements.

Objectives of the Retention Guidelines

The objectives of these guidelines are to:

- i) Assist in identifying records that may be worth preserving permanently.
- ii) Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration.
- iii) Ensure consistency in the destruction of records after specified periods as required to meet Data Protection obligations.
- iv) Improve records management practices within the Town Council.

Retention and Destruction of Records

Records such as Minutes, Agendas and identified as having an 'indefinite' retention period will be periodically taken to County Archives. Other records which are kept indefinitely such as Cemetery Records will be kept at the Town Council offices.

The destruction of bulk paper records must be logged and the Town Council will retain confirmation of destruction certificates where the shredding has been outsourced.



Individual records /smaller batches of paper documents will be destroyed by shredding.

Electronic documents will be deleted.

Litigation

Where litigation is possible, the records and information that might be required should not be amended or disposed of until the possibility of litigation has been removed.

Retention of documents for legal purposes

The below table lists the limitation periods of time where legal claims may be brought under the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.

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

Where the limitation periods above are longer than other periods specified in the attached annex, the documentation should be kept for the longer period specified.

This Retention Policy provides a detailed breakdown of how long we will retain data and how it is managed.

Retention of documents

Below is an Annex indicating the appropriate minimum retention periods for information. Documents should be retained for audit, staff management, tax liabilities, and the possibility of legal disputes and legal proceedings.

Unless otherwise stated, the period in years refers to how long the document should be kept after the year in which the work is over (employment ceases, end of contract, end of financial year, event or hire finishes etc).



ANNEX TO RETENTION OF DOCUMENTS POLICY

RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF TOWN/PARISH COUNCILS

DOCUMENT	RETENTION PERIOD	REASON
Personnel		
Personnel records	3 years after employee leaves	Limitation Act 1980 (as amended)
	6 years if on NMW	National Minimum Wage legislation
Disciplinary/grievances	Review 6 years after last action	Management
Recruitment documents	6 months	Management
Wages records	6 years + current year	Audit
Pension records	12 years	Superannuation
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
	6 years if on NMW	National Minimum Wage Legislation.
Members allowances	6 years + current year	Tax Limitation Act 1980 register (as amended)
Audit		
Scales of fees	6 years + current year	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books	6 years + current year	VAT
Bank statements	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 + current year	Limitation Act 1980 (as amended)
Paid invoices	6 years + current year	VAT
Paid cheques	6 years + current year	Limitation Act 1980 (as amended)



VAT records	6 years + current year generally VAT but 20 years for VAT on rents	Tax, VAT, Limitation Act 1980 (as amended)
Petty cash and postage	6 years + current year	VAT, Audit, Limitation Act 1980 (as amended)
Investments	Indefinite	Audit, Management
Successful grant applications	6 years + current year	Audit
Unsuccessful grant applications	3 months after decision	Management
Contracts and Procurement		
Unsuccessful tenders	2 years	Audit
Successful tenders	6 years + current year	Audit
Administration		
Minute books	Indefinite	Archive
Draft minutes	Until date of confirmation of Minutes	Management
Agendas	Indefinite	Archive
Reports and other documents circulated with Agendas	Refer to Retention Policy for matter content	Refer to Retention Policy for matter content
Insurance policies	While valid	Management
Certificates for Insurance against employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability Compulsory Insurance Liability for Regulations 1998 (SI. 2753), Management
Litigation	6 years after folder closure	Limitation Act 1980
Accident/Incident Reports	20 years	Potential Claims
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Events	6 years + current year	Audit, Management
Standing Orders, Council policies and procedures	Whilst current	Management



Members' attendance Register	Term of office	Management
Members' Declaration of Acceptance of Office	Term of office	Management
Members' Register of Interests.	Term of office	Localism Act 2011
Register of Electors	Whilst current	Management
CCTV		
CCTV review requests	3 years	Management
Recorded discs	Whilst legally required	Management
Photographs and digital prints	31 days or as long as legally required	Management
Property		
Application to hire, lettings diaries, copies of bills to hires record of tickets issued	6 years + current year	Audit, VAT
Premises inspection Records	12 years	Statute of Limitations
Electrical Inspections	Last two certificates	Management
Asset equipment records	21 years	Statute of Limitations
For Burial Grounds		
Register of fees collected	Indefinite	Archives, Local
Register of burials	Indefinite	Authorities Cemeteries Order 1977 (SI.204)
Register of purchased graves	Indefinite	
Register/plan of grave spaces	Indefinite	
Register of memorials	Indefinite	
Applications for interment	Indefinite	
Applications for right to erect memorials	Indefinite	
Disposal certifications	Indefinite	
Copy certificated of grant of exclusive right of Burial	Indefinite	
Planning		
Planning Applications	Whilst being considered. All personal data is the Property of the Unitary Council.	Management



Correspondence relating to planning applications	Whilst being considered. All personal data is the property of the Unitary Council	Management
Planning Appeals	Whilst being considered. All personal data is the property of the Unitary Council.	Management
Neighbourhood Development Plan	Indefinite	Management Historical
Local Connections		
Local connections applications and evidence	3 months following consideration	To verify applications for local connections
Newsletters		
Town Council newsletters, pamphlets, magazine, plan chart or table	2 years	Management Historical
General		
Surveys and returns	Until project completed	Management
Press releases	2 years	Management

General Correspondence

Unless it relates to specific categories outlined in the policy above, correspondence, both paper and electronic should be kept whilst the content matter is being dealt with and with a maximum retention of six months.

This policy will:

- Be publicised to staff and councillors and made available for reference
- Apply to all the Council's records, regardless of how they are held
- Be reviewed annually, amended and re-issued as necessary and members of staff and councillors notified accordingly
- Operate in conjunction with the Council's existing policies on Data Protection (Privacy Policy) and Freedom of Information.

Review of the Retention of Documents Policy

The effectiveness of this Retention Of Documents Policy and associated arrangements will be reviewed every two years unless changes in legislation or proper practices require an earlier review.

Review Date: June 2028.