

Carlton Parish Council

Retention of Documents and Records Policy

Introduction

Carlton Parish Council is required to retain paper and electronic data for a variety of reasons. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, freedom of information and the eventuality of legal disputes and proceedings. Subject to these reasons for retaining documents, and as a basic starting point, papers and records will be destroyed if they are no longer of use or relevant.

Electoral roll

The current copy of the full electoral roll is held for reference.

Planning papers and documents

- a) Where planning permission is granted, planning documentation will be retained until the development has been completed so that, if required, the council can check that the development is carried out in accordance with the terms and conditions of the permission.
- b) Where planning permission is refused, the planning documentation will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision notice will be retained against further applications relating to the same site.
- c) Copies of Local Plan documentation and similar material will be retained for as long as they are in force or relevant.

Insurance policies

The Parish Council will keep a permanent record of insurance company names and policy numbers for all insured risks. The Parish Council will retain insurance policy documents for as long as it is possible to make a claim under them.

Insurance certificates against liability for injury or disease to employees arising out of their employment must be kept for 40 years (Reg.4 of Employer's Liability (Compulsory Insurance) Regulations 1998. SI 2753.).

Correspondence

If related to audit matters, correspondence will be kept for the period specified in the table in Annex A below. In planning matters, correspondence will be retained for the same period as for other planning papers. Other correspondence will be retained for as long as it is useful and relevant.

Documentation relating to staff

This will be kept securely and in accordance with the data protection principles of the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However, even after an employment relationship has ended, the Parish Council will retain and access records of former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.

The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended). The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of. Subject to where the Limitation Act 1980 applies, the most common time limit for lodging a claim at an employment tribunal is 3 months although 6 months applies in redundancy and equal pay claims.

Local historical information

The Parish Council may acquire, archive and make available records of local significance in addition to their own administrative records under the Local Government (Records) Act 1962.

Carlton News

Copies are retained for reference, and articles of more than passing interest are abstracted and published on the PC website. Copies are deposited with the British Library (Legal Deposit Libraries Act 2003), the Record Office for Leicester, Leicestershire & Rutland, and the Hinckley Library Local Collection.

Arrangements for the deposit, storage and management of documents

Documents of local and or historical importance, if not retained and stored by the Parish Council, will be offered first to the Record Office for Leicester, Leicestershire & Rutland.

The Parish Council will implement a system of paper and electronic records management to ensure the storage, security of, access to and disposal of both paper and electronic records.

Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended) which provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question, as set out in the table below.

Category	Limitation period
Trust deeds etc	No limitation period
Leases	12 years
Recovery of land	12 years
Negligence & other torts	6 years
Rent	6 years
Contract	6 years
Sums recoverable by statute	6 years
Personal injury	3 years
Defamation	1 year
Breach of trust	None

Where the limitation periods tabulated above are longer than other periods specified in this policy, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories, in which case the relevant documentation will be kept for the longest of the limitation periods.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minutes & Reports	Indefinite	Archive
Receipt & payment accounts	Indefinite	Archive
Registers of graves & burials	Indefinite	} Local Authorities
Cemetery plan	Indefinite	} Cemeteries
Disposal certificates	Indefinite	} Order 1977
Grants of Exclusive rights	Indefinite	}
Title deeds, leases	Indefinite	Audit, management
Agreements, contracts	Indefinite	Audit, management
Insurance policies	Indefinite	In case of claims
Insurance certificates - liability for employees	40 years	SI 2753
Salary details, PAYE records	12 years	Superannuation
Receipt books	8 years	HMRC audit
Clerk expenses book	8 years	HMRC audit
Paid invoices	8 years	HMRC audit
Paid cheques	8 years	HMRC audit
Scales of fees & charges	6 years	Management
Quotations & tenders	6 years	Limitation Act
Bank statements	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit

This policy was adopted by Carlton Parish Council on 14th March 2018