

Market Bosworth Parish Council



Document Retention Policy

Introduction

The 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 legal 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.

Record-keeping

To ensure records are easily accessible it is necessary to comply with the following:

- A list of files stored in cabinets will be retained
- Electronic files will be saved using relevant file names
- The electronic files will be backed up periodically on a portable hard drive
- Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations

Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980 (amended). 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. The reference to 'category' in the table refers to claims brought in respect of that category.

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 above, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. In these circumstances the relevant documentation will be kept for the longest of the limitation periods.

Retention of documents relating to the Parish Field and Cemetery

Document	Minimum Retention Period	Reason
Parish Field: <ul style="list-style-type: none"> • Application to hire, invoices • Terms & conditions 	6 years 6 years	VAT, insurance Management
Cemetery: <ul style="list-style-type: none"> • Register of burials • Register of exclusive rights • Register of ashes interments • Plan of grave spaces • Applications for interment • Applications for right to erect memorials • Copy exclusive rights certificates 	All documents to be retained indefinitely	Archive, Local Authorities Cemeteries Order 1977 (SI 204)
Rectory Lane car park: <ul style="list-style-type: none"> • Invoices and receipts 	6 years	VAT

Retention of other documents

Document	Minimum Retention Period	Reason
Minutes	Indefinite	Archive
Agendas	5 years	Management
Accident/incident reports	20 years	Potential claims
Scales of fees and charges	6 years	Management
Receipt and payment accounts	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)

Document	Minimum Retention Period	Reason
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Wages books/payroll	12 years	Superannuation
Insurance policies	While valid (but see next two items below)	Management
Insurance company names and policy numbers	Indefinite	Management
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management
Play Area equipment and street furniture inspection reports	21 years	Insurance, potential claims
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant	Management

Document	Minimum Retention Period	Reason
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).
Magazines and journals	<p>Council may wish to keep its own publications</p> <p>For others retain for as long as they are useful and relevant.</p>	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of the published works to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.
General correspondence	Unless it relates to specific categories outlined in this policy, correspondence, both paper and electronic, should be kept only for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management
Correspondence relating to staff	If related to Audit, see relevant sections above.	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of

Document	Minimum Retention Period	Reason
	Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommended period 3 years	tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.
Planning applications	1 year	Management
Planning Appeals	1 year unless significant development	Management
Tree inspections	21 years	Insurance, potential claims
Local Development Plans	Retained as long as in force	Reference
Local Plans	Retained as long as in force	Reference
Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes

This policy was adopted by Market Bosworth Parish Council at its Meeting on 3 July 2018

Minute Reference 11