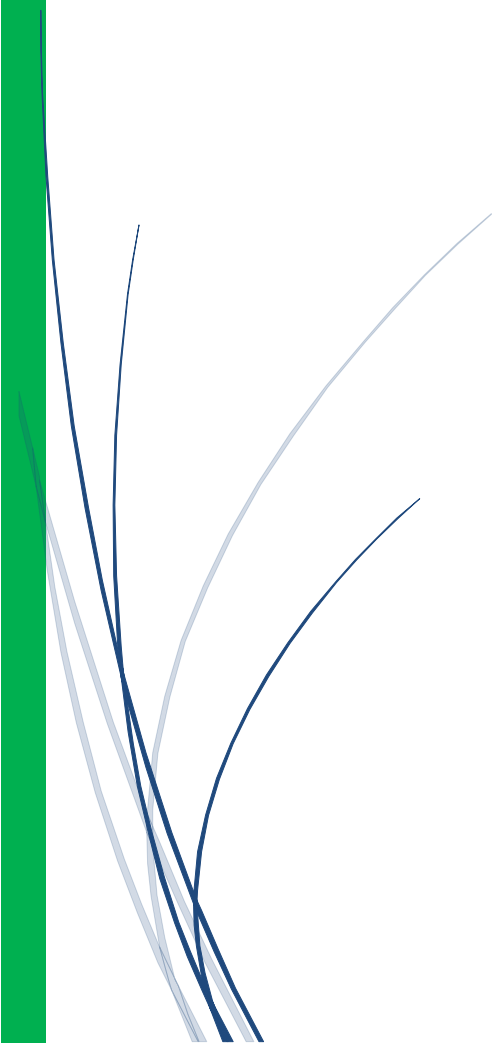




Winchcombe

# Winchcombe Town Council Document Retention Policy



## **1. Origin of this Policy**

This policy is based on the National Association of Local Councils (NALC) Legal Topic Note 40.

## **2. Purpose of the Policy**

This policy applies to all records created, received or maintained by the Town Council in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the Town Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

The purpose of the policy is:

1. To assist in identifying a small percentage of records that may be worth preserving permanently as part of the Town Council's and Gloucestershire County Archives and for historical research.
2. To ensure the retention of data, documents and records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration.
3. To assist in compliance with the Freedom of Information Act 2000 and the Data Protection Act 1998

## **3. Responsibilities**

The Town Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment.

The person with overall responsibility for the implementation of this policy is the Clerk to the Town Council, they are required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

The Clerk will ensure that the records the Council holds are accurate and are maintained and disposed of in accordance with the Council's Document Retention Policy.

Individual Councillors may hold records in hardcopy format or electronically at home or on their home computers. If a Councillor considers that some of these documents are important in the context of the Parish Council's records, they should ensure that

the Clerk retains a copy for the official record. Individual Councillors are advised to undertake and “document housekeeping” on a regular basis.

On leaving the Council, Councillors should delete electronic records and destroy hardcopy documents they may hold.

#### **4. Retention Schedule**

Under the Freedom of Information Act 2000, Town and Parish Councils are required to maintain a retention schedule listing the record series that it creates in the course of its business. The retention schedule lays down the length of time in which the record needs to be retained and the action which should be taken when it is no longer of further administrative use. The Clerk is expected to manage the current record-keeping systems using the retention schedule and to take account of the different retention periods when creating new record-keeping systems.

The attached Annex indicates the minimum retention periods, where appropriate, for audit and other purposes. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, and in case of the possibility of legal disputes. Subject to these reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant having taken into consideration their possible historical importance in which case they will be offered to the Gloucestershire County Archives first.

***If in doubt, document(s) will be retained until proper advice has been received.***

The principles underlying data, document or record management i.e. the creation, retention, identification, and retrieval of records, apply equally to both electronic and paper records. This means that procedures for email and information held on shared and personal hard drives have to be as robust and detailed as those for other records.

# Document Retention Policy

RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
Agendas	Preserve	Indefinite	Archive
Minute Book	Preserve	Indefinite	Archive
Byelaws and orders	Preserve	Indefinite	Archive
Councillor's Declarations of acceptance of Office	Preserve	Indefinite	Archive
Councillors Register of Interest	Destroy	1 year after Member leaves Council	
Routine correspondence	Destroy	Retain as long as useful	Management
Correspondence and papers on important local issues	Preserve	Indefinite	Archive
Draft minutes	Destroy	Destroy once minutes approved	Minute book preserved indefinitely
Employee records	Destroy	5 years after termination of employment	
Gifts and Hospitality records	Preserve	Indefinite	Challenge
Health and Safety records	Preserve	Indefinite	Challenge
Insurance Policies	Preserve	Preserve whilst a possible claim however keeping a Permanent record of Insurance Company and Policy Numbers is advised	
Employer's Liability Insurance	Preserve	40 years Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance for 40 years.	Legal
Leases, licences and agreements	Preserve	Indefinite	Archive
Personnel – recruitment records	Destroy	1 year	Limitation period
Quotations and tenders	Destroy	20 years	Statute of limitation
Property registers including plans for allotments, open spaces, gardens, amenity areas	Preserve	Indefinite	Archive
Scales of fees and charges	Destroy	5 years	Management
Trust deeds and schemes	Preserve	Indefinite	Archive

## Financial

RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
Audit returns to external Auditor	Preserve	Indefinite	Archive
Bank Statements	Destroy	8 years	Audit and grant funding
Bank paying in book and cheque book stubs	Destroy	8 years	Audit and grant funding
Borrowing	Preserve	Indefinite	Audit management
Hiring records of properties	Destroy	8 years	HMRC, VAT
Internal Audit Management	Preserve	Indefinite	Audit management
Investments	Preserve	Indefinite	Audit management
Members allowances	Destroy	8 years	Tax limitation
Paid Invoices	Destroy	8 years	HMRC, VAT and grant funding
Paid cheques	Destroy	8 years	Limitation Act 1980 (as amended)
Budget documents	Destroy	7 years	Management
Precept requests	Destroy	Retain as long as useful	Management
Project Management records	Preserve	Indefinite	Audit, Archive, grant funding
Receipt books of all kinds	Destroy	8 years	HMRC, VAT
Receipts and payment records	Preserve	Indefinite	Archive
Salary records	Destroy	12 years	Limitation period
Staff times sheets	Destroy	7 years	Audit
VAT records	Destroy	8 years	HRMC, VAT

## Other including Planning, Burial and Allotments

RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
General local historical information relating to the Parish Council area	Preserve	Indefinite	Archive
Legal papers	Preserve	Indefinite	Archive
Planning documents relating to the Parish Council area	Destroy	After the application decision made by Planning Authority or Planning appeal decided	Available from Local Planning Authority (Tewkesbury Borough Council)
Copies of Structure Plans, Local Plans and similar documents	Preserve	Indefinite	Archive
Planning documents relating to Winchcombe Town Council e.g. <ul style="list-style-type: none"> <li>• Neighbourhood Plan</li> <li>• Design Statements</li> <li>• Policies</li> </ul>	Preserve	Indefinite	Archive
Allotments register and plans	Preserve	Indefinite	Archive, Audit, Management
<b>For burial Grounds</b> <ul style="list-style-type: none"> <li>• Register of fee collection</li> <li>• Register of Burials</li> <li>• Register of purchased graves</li> <li>• Plan of grave spaces</li> <li>• Register of memorials</li> <li>• Applications for interment</li> <li>• Applications for the right to erect memorials</li> <li>• Disposal certificates</li> <li>• Copy certificates of a grant of an exclusive right of burial</li> </ul>	Preserve	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (Sl. 204)
Newsletters	Preserve	Indefinite	Archive
Individual consultation responses	Destroy	Retained until the purpose of the consultation is completed e.g. Final document produced	Data Protection Legislation

## 5. Arrangements for the deposit, storage and management of documents

In accordance with s. 227 of the Local Government Act 1972 (the 1972 Act), if a Parish Council requests, the District Council must provide proper depositories for all the specified papers (defined as public books, writings, council papers and all documents directed by law to be kept) belonging to the Town Council for which there is no other provision. Documents of local and/or historical importance, if not retained and stored by a local council, with or without reliance on the provisions of s.227 of the 1972 Act, should be offered first to the County Record Office if there is one. The County Archivist will advise on which records should be permanently preserved.

Local councils are advised by NALC to implement the system(s) of paper and electronic records management (including those records retained for audit purposes reviewed annually by a council's internal auditor). Such systems should ensure the storage and security of, access to and disposal of both paper and electronic records. It is essential that any such system(s) (and policies) relating to record management include an annual review of the records themselves and also the effectiveness of such systems(s) (and policies).

## 6. Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The Act provides the specific period after which a legal claim may not be pursued. 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 claims. The reference to 'category' in the table refers to claims brought in respect of that category.

Category		Limitation Period
1.	Negligence (and other 'Torts')	6 years
2.	Defamation	1 year
3.	Contract	6 years
4.	Leases	12 years
5.	Sums recoverable by statute	6 years
6.	Personal Injury	3 years
7.	To Recover Land	12 years
8.	Rent	6 years

9.	Breach of Trust	None
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## 7. Policy for the retention of documents

- The tables identify when the retention period of records is due to expire and what action will be undertaken to ensure the disposal of documents in a proper and secure manner.
- When documents reach the expiry date for retention, the Town Clerk will ensure that all copies of that information are permanently destroyed. If the information is held in more than one media the information must be removed from all the Council's record systems.
- The Town Council will endeavour to minimise the amount of paperwork both produced and received, however, it is realised there will still be a certain amount of paperwork to process.
- To avoid confusion the method of destruction of all paper documents, with the exception of junk mail which will be recycled, is that it will be treated as confidential waste and will be shredded by a registered waste disposal operator and a certificate of destruction obtained.
- The method of destruction for all electronic data will be by electronic erasure and in the case of CDs or DVDs, the method of disposal will be by a registered waste disposal operator and a certificate of destruction obtained.
- Electronic copies will be completely deleted from any memory source or other media.
- Minutes will be kept in the Clerk's Office and other documents stored in the most effective method of storage taking into account any space restrictions.
- Archived records will be stored in the County Archives.
- The Clerk may consider all forms of media for storage that meet the requirements of the Town Council provided is it legally acceptable.