



Okehampton Town Council

Okehampton Town Council

Document Retention Policy

1. Introduction

The purpose of this document is to provide a policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the correct timescale.

This policy gives Okehampton Town Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note 40 'Local Councils' Documents and Records' dated January 2013, which outlines the legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

2. Retention of Documents

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to the above reasons, and any other statutory legislation for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy are the appropriate document retention periods.

3. Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This 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 in the Legal Topic Note, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories:

- Contract (6 years) – because all tenancies and leases are contracts
- Leases (12 years) – if the arrears are due under a lease
- Rent (6 years) – if the arrears are due under a tenancy (and not a lease)

In these circumstances the relevant documentation will be kept for the longest of the limitation periods.

There is no limitation period in respect of trusts, and as advised by NALC, the Council will never destroy trust deeds and schemes and any other similar documentation it may hold.

It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (eg in the case of disease)
- Where damage is hidden (eg to a building)
- Where a person is a child or suffers from a mental capacity
- Where there has been a mistake or where one party has defrauded another or concealed facts

Where the limitation periods 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 this instance, the longer period will be observed.

4. Disposal

All Council documents will be handled in the correct manner for their sensitivity.

Any document which contains data on an individual or contains personal data will be disposed of by shredder within the Council offices.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so through the Council office.

5. Data Protection and Freedom of Information

All documentation will be held in line with the most recent Data Protection and Freedom of Information regulations.

APPENDIX A

| Document | Minimum Retention Period | Reason |
|--|---|--|
| Minute Books (Council, Committees & Sub-Committees) and related papers | Indefinite | Archive |
| Scales of fees and charges | 6 years | Management |
| Receipt and payments account (s) | 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 generally but 20 years for VAT on rents | VAT |
| Petty cash, postage and telephone books | 6 years | Tax, VAT, Limitation Act 1980 (as amended) |
| Timesheets | 3 years | Personal injury |
| Wages book | 12 years | Superannuation |
| Insurance policies | While valid | Management |
| Certificates for Insurance against liability for employees | 40 years from date of which insurance commenced or was renewed | The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management |
| Investments | Indefinite | Audit, Management |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management |
| Members allowances register | 6 years | Tax, Limitation Act 1980 (as amended) |
| Personal data of employees | 6 years after employment terminates except for salary related information which will be kept for 12 years | Recommended practice and Superannuation |
| Recruitment paperwork | 1 year for all except successful candidate | Recommended practice |
| Accident books/reports | 40 years from date of accident | Management in case of a Claim and in line with retention period for insurance certificates |
| Statutory maternity, paternity and adoption pay records and evidence | 3 years after the end of the tax year in which the pay period ends | Maternity and Parental Leave etc Regulations 1999 |
| Formal complaints made under the Council's Complaints procedure | 6 years | Management |
| Freedom of Information and Subject Access requests | 6 years | Management |

| | | |
|--|---|--|
| received | | |
| Planning Papers | 3 years from date at which the application was considered by the Committee | Management |
| Information from other Bodies (eg NALC, SLCC< DALC, WDBC, DCC) | As long as useful and relevant | Management |
| General correspondence other than related to that listed within this Policy | 3 years, or as long as is relevant and useful | Management |
| Grant Applications | 6 years | As other financial information |
| Burial plot reservations/ register of purchased graves | Indefinite | Archives, Local Authorities Cemeteries Order 1977 (SI.204) |
| Hire booking forms and related paperwork | 6 years | VAT |
| Councillor Register of Interests, and other statutory forms including Declarations of Office | 1 year after resignation or end of term of Office | Management |
| Councillor Co-Option applications | 1 year apart from the successful applicant which is kept for the duration of their Office | Management |
| Body Worn CCTV data | Captured images up to 30 days Incident sheets and other related documentation 6 years | GDPR Management |