

TOLLESHUNT MAJOR PARISH COUNCIL
POLICY – LOCAL DOCUMENTS AND RECORDS

Introduction

This document has been prepared with advice from the National Association of Local Councils, and was adopted by the Council at its meeting dated 2nd March 2010.

Parish Council documents in present use are kept in the custody of the Clerk or the Chair of the Council. Documents of an historical nature (ie those dating back over 30 years) will be placed in the care of the Essex Records Office.

Under the Model Publications Scheme, certain documents and information are available for inspection by members of the public, either by accessing the Parish Council's web site or by requesting a hard copy from the clerk. A small payment will be charged for these documents to cover the cost of photocopying.

Retention of documents

1. The attached Annex indicates the appropriate retention periods for audit and other purposes and the reasons for retention. Additionally, further guidance is set out below in respect of the retention of documents in case of a legal dispute.

2. Other documents not mentioned in the Annex will be treated as follows -

Planning papers

- a. Where planning permission is granted, the planning application, any plans and the decision letter will normally be retained until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission. Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise. It may sometimes be sensible to retain an appeal decision indefinitely because of wider implications (e.g. the decision may set a precedent for other developments in the locality).

- b. Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter may, as in (a) above, be worth retaining against further applications relating to the same site.
- c. Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

Insurance policies - insurance policies and significant correspondence will be kept for as long as it is possible for a claim to be made under the policy. Irrespective of how long policies and correspondence are retained, the recommendation from the National Association of Local Councils is that councils ensure that they keep a permanent record of insurance company names and policy numbers for all insured risks. Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.

Information from other bodies (e.g. circulars etc. from County Associations, NALC and other bodies (e.g. principal authorities) too numerous to mention) – such information will be retained as long as it is useful.

Correspondence – if related to audit matters, correspondence will be kept for the appropriate period specified in the Annex hereto. In planning matters, correspondence will be retained for the same period as suggested for other planning papers.

Personnel matters– documentation relating to staff will be kept securely and kept for as long as it would be possible for a claim to be made against the council.

- 3. The Council will implement a system of records management which incorporates arrangements for disposal of records, and this system will be reviewed annually. Anything that is no longer of use or value will be destroyed, but if the Council is in doubt on this point it will seek advice from NALC and retain the document(s) until that advice has been received.

4. Retention of documents for legal purposes

Most legal proceedings are governed by 'the Limitation Acts'. The Acts (notably the Limitation Act 1980) state 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

The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be 6 years but if the debt arises under a lease the limitation period will be 12 years (unless it relates to rent in which case the limitation period will be 6 years).

For the sake of completeness it should be noted that some limitation periods can be extended. Examples include:

- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
- where damage is latent (e.g. to a building); or
- where a person is under a disability; or
- where there has been a mistake or where one party has defrauded another or concealed facts.

In such circumstances the council will need to weigh (i) the costs of storing relevant documents and (ii) the risks of:

- claims being made;
- the value of the claims; and
- the inability to defend any claims made should relevant documentation be destroyed.

ANNEX**RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS**

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	5 years	Management
▪ Receipt and payment 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	12 years/indefinite	Statute of Limitations
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Statute of Limitations
▪ VAT records	6 years	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Statute of Limitations
▪ Timesheets	Last completed audit year	Audit
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	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.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
▪ Members allowances register	6 years	Tax, Statute of Limitations