

Shepton Mallet Town Council Document Retention and Destruction Policy

Reviewed 18th May 2018

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Shepton Mallet Town Council

Document Retention and Destruction Policy

1. Introduction

- 1.1 Shepton Mallet Town Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to these, or other relevant considerations, documents that are no longer used or relevant should be destroyed.
- 1.2 Documents may be created, received or maintained in hard copy or electronically.
- 1.3 A small percentage of the Council's records will be selected for permanent preservation as part of the Council's archives and for historical interest. Such documents are lodged with Somerset County Council's Records Officer at the Somerset Heritage Centre.
- 1.4 The Clerk has the responsibility for the retention, storage and destruction of documents in compliance with this policy.

2. Retention Timescales

- 2.1 Appendix A details the minimum time limits on the retention of council documents required for the purposes of audit and other reasons. Documents outside this schedule are as follows:

1. **Planning documents:** All planning applications and relevant decision notices are available from Mendip District Council. There is no requirement to retain duplicates locally. All Town Council recommendations in connection with these applications are recorded in the Council minutes and are retained indefinitely. However;

- a) **Contentious planning application documents:** Where permission is granted documents should be retained until the development is complete so that the Council can satisfy itself that development has proceeded according to the terms and conditions of the permission.

Where planning permission is refused the papers should be retained until the period in which an appeal can be made has expired

If an appeal is made and dismissed any appeal papers should be kept for use in evidence against any application on the same site.

2. **Insurance policies:** All insurance policies should be kept for as long as it is possible for a claim to be made under them. The Council will 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 requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 days from when the insurance commenced or was renewed.
3. **The British Library:** The Legal Deposit Libraries Act 2003 requires that a copy of published works in print (including a pamphlet, magazine or newspaper, a map, plan, chart or table) is delivered to The Legal Deposit Office of the British Library, at the expense of the Council, within one month of publication. Such publications are then held by the British Library as part of its comprehensive collection of books, periodicals and other printed publications published in the UK.
4. **Documents relating to staff:** Data relating to staff is kept securely and in accordance with the 8 data protection principles contained in the Data Protection Act 1998, and are not kept for longer than is necessary for the purpose it was held. However, records about former staff may be retained and accessed for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any legal claims made against the council.
5. **Correspondence:** Correspondence relating to audit matters will be kept for the appropriate period (refer to Appendix A). In planning matters, correspondence sent to and from the parish council is retained until the development is complete
6. **Historical/local interest documents:** Shepton Mallet Town Council might acquire records of local interest, gifts or records of general and local interest. These documents will either be retained by the Clerk or deposited with the Records Office.

3. Arrangements for the deposit, storage and management of documents

- 3.1 In accordance with s.227 of the Local Government Act 1972, the Town Council may request Mendip District Council and Somerset Council's Heritage Centre provide proper depositories for all specified papers (defined as public books, writings, council papers and all documents) directed by law to be kept where there is no provision.

3.2 All electronic documents are kept on the Town Clerk's – the Deputy Town Clerk and the Office Manager's computers, which are and remains the property of the Council. The computers are password protected. A copy of all computer passwords are lodged with the chairman in a sealed envelope. If required, the envelope will be opened in the presence of 2 councillors, at which point the passwords will be changed as soon as access to the computer files is gained. Back-ups of documents are made to a secure cloud system.

4. Retention of documents for legal purposes

4.1 Most legal documents are governed by the Limitations Act 1980, which prevents legal claims arising after a certain period. However, limitation periods can be extended so, when making a decision at the end of a storage period the Council will weigh the risk of lengthy storage against the risk of a claim being made. Insurance policy wording will be checked to ensure retention requirements under a policy are complied with. Limitations generally are as follows:

Category	Limitation Period
Negligence	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	Never to be destroyed

Appendix A

Retention of Documents

TYPE OF RECORD/DOCUMENT	RETENTION PERIOD
Minute books	Indefinite (over 2 yrs with County Archive)
Title deeds, leases, agreements	Indefinite
Investments	Indefinite
Records of members' allowances	6 years
Contracts, Quotations, Tenders	6 years
Receipt/payment accounts	Indefinite
Bank statements, paying-in books, cheque book stubs Paid invoices Paid cheques VAT records	6 years
Insurance policies	While valid
Scale of fees & charges	6 years
Planning applications and associated correspondence	1 year or until final determination, whichever is the later Record of decision: Indefinite
Correspondence and other documents on files	3 years or until the matter is closed, whichever is the later*
E-mails	1 Month Paper copy to be placed on file if appropriate*
Computer-based records (other than e-mails)	As appropriate based on the requirements of the Data Protection Act 1998*

ITEM	PERIOD	REASON
Minute Books	Indefinite	Archive
Annual Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Scale of fees & charges	6 years	Management
Bank statements	6 years	Audit/management
Cheque book stubs	Last completed audit	Management
Paying in books	Last completed audit	Management
Quotations	6 years	Audit
Paid invoices	6 years	Audit/VAT
VAT records	6 years	Audit/VAT
Salary records	6 years	Audit
Tax & NI records	6 years	Audit
Insurance policies	Whilst valid	Audit

Cert of Employers	Liability 40 years	Audit/legal
Cert of public liability	40 years	Audit/legal
Assets register	Indefinite	Audit
Deeds, leases	Indefinite	Audit
Booking policy	6 years	Management
Copies of bills to hirers	7 years	Management/audit

End.