Polegate Town Council

DOCUMENT RETENTION POLICY

Policy Number 13		
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1	May 2014	Updated
2	23.05.16	Adoption at Annual Stat meeting
3	22.05.17	Adopted at Annual Stat meeting
4	21.05.18	Adopted at Annual Stat meeting
5	11.01.19	Adopted at Annual Stat meeting
6	20.05.19	For review and adoption at Annual Stat meeting
7	05.05.21	Adopted at Annual Stat meeting
8	16.05.22	Adopted at Annual Stat meeting
9	22.05.23	Adopted at Annual Stat meeting
10	20.05.24	Adopted at Annual Stat meeting
11	19.05.25	Adopted at the Annual Stat Meeting

1. Introduction

A system of records management which incorporates arrangements for disposal of records is required and the system or policies relating to record management should include a review of council documentation at least annually. Documents of historical importance, if not retained by the council, should be offered first to the county record office. The county archivist there will always be willing to advise on which records should be permanently preserved.

2. Retention of documents for legal purposes

2.1 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

2.2 Where the limitation periods above are longer than other periods specified in this policy, the documentation should 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 (depending on the circumstances):

- 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).

2.3 In these circumstances, the relevant documentation should be kept for the longer of the three limitation periods.

2.4 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 sums due under leases which are 'reserved as rent' for example, service charges expressed to be payable as 'additional rent', the limitation period for service charges in those circumstances will be 6 years – even though the sums are due under a lease.

2.5 There is no limitation period in respect of trusts, therefore trust deeds and schemes and other similar documentation should never be destroyed.

2.6 Some limitation periods can be extended. For example:

- 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)
- where a person is under a disability
- where there has been a mistake or where one party has defrauded another or concealed facts.

In these circumstances 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
- the inability to defend any claims made should relevant documentation be destroyed.

2.7 The higher the value of a contract or the higher the risk or value of a claim being made, the more likely it is that the greater expense/ inconvenience of storing documents for longer periods can be justified. Council should confirm the precise wording of any insurance policies to ensure that they comply with any terms they contain in respect of the retention of documents and information.

3. Other considerations

In agreeing a document retention scheme, the council has addressed the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings. The council has taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1988, the Public Records Act 1958, the Data Protections Acts 1998 and 2018 (including the General Data Protection Regulations), the Employer's Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Government (Records) Act 1962, the Freedom of Information Act 2000, and the Lord Chancellor's Code of Practice on the Management of Records 2002.

4. Specific records

4.1 Planning papers

(a) Where planning permission is granted, the decision letter should 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 should also be retained. 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 should 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 be worth retaining against further applications relating to the same site.

(c) Correspondence should be retained for one year or longer if relevant and useful.

(d) Copies of Structure Plans, Local Plans and similar documents should be retained for the period they are in force.

4.2 Insurance policies

Insurance policies and significant correspondence should 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, a permanent record of insurance company names and policy numbers for all insured risks should be kept.

4.3 Information from other bodies

This includes items such as circulars from County Associations, NALC and other bodies (e.g., principal authorities). Such information should be retained for as long as it is useful and relevant.

4.4 Magazines and journals

The Local Council Review and other regular publications received should be kept for as long as they are useful.

4.5 Correspondence

If related to audit matters, correspondence should be kept for the appropriate period specified in the attached annex.

4.6 Personnel matters

Documentation relating to staff should be kept securely and kept for as long as it would be possible for a claim to be made against the council.

Statement prepared for adoption by Polegate Town Council at its meeting on 19.05.25

Signed by

Mayor of Polegate **Town Clerk/Proper Office/RFO**

ANNEX

RETENTION OF DOCUMENTS REQUIRED FOR THE COUNCIL AUDIT

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute books	Indefinite	Archive
Scales of fees and charges	6 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	Limitations Act 1980
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitations Act 1980
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitations Act 1980
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
Correspondence	1 year, or longer if relevant and useful	Limitation Act 1980, Management
Emails	1 year, or longer if relevant and useful	Limitation Act 1980, Management
Annual accounts and asset registers	Indefinite	Archive
Pension contributions records	6 years	Pensions Act 2014
Personnel records, including SSP and maternity records	6 years	Limitations Act 1980
Asbestos and hazardous materials records	Indefinite	Asbestos regulations
Job Applications	6 years for successful applicants, 6 months for unsuccessful applicants	Limitation Act 1980, management
Accident book	3 years, or if a child/young adult until that person reaches the age of 21	Reporting of injuries, Diseases and Dangerous Occurrences Act 2013
Allotment register and plans	Indefinite	Audit, Management