



# **HOLYWELL TOWN COUNCIL**

## **DOCUMENT RETENTION POLICY**

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### **1. PURPOSE**

The council requires a number of documents for transacting its business and is committed to retaining these documents in an appropriate format and for periods of time that:

- Enables statutory obligations to be met.
- Ensures security of documents.
- Protects employees' privacy.
- Facilitates access to information.
- Optimises the use of storage space.
- Is cost effective.
- Facilitates destruction of redundant documents.

### **2. SCOPE**

This Policy applies to users of the council's information records, both paper and electronic, and includes councillors and employees.

### **3. STATUTORY REQUIREMENTS**

Documents subject to a statutory period of retention are identified by their associated legislation in the table in Section 11.

### **4. SECURITY OF DOCUMENTS**

The council's records are held in paper and/or electronic format. To minimise the risk of accidental loss of valuable records, masters or copies (as deemed appropriate) of paper-documents will be stored off-site.

### **5. EMPLOYEES' PRIVACY**

The privacy of personnel records will be appropriately assured.

### **6. AVAILABILTY & ACCESS**

All records necessary for council business will be retained for a period of time that reasonably assures the availability of records when needed.

## 7. STORAGE SPACE & COST

Redundant records may be destroyed in order to reduce the cost of storage, indexing and handling the vast quantity of documents that would otherwise accumulate. Destruction of documents will be undertaken in accordance with the provisions of this Policy to avoid any inference that a document was destroyed in anticipation of a problem.

## 8. ELECTRONIC STORAGE

Records maintained on electronic data processing storage media will be subject to the same rules of retention and security as paper records.

## 9. POLICY IMPLEMENTATION

The Clerk will be responsible for the implementation of the Policy.

## 10. MONITORING & REVIEW

The Audit Sub-Committee will review the policy periodically to monitor its effectiveness and continued suitability.

## 11. RETENTION PERIODS: STATUTORY REQUIREMENTS & BEST PRACTICE GUIDELINES

Document/Type	Minimum Retention Period	Reason	Associated Legislation
<b>Agreements, Contracts &amp; Related Correspondence</b>			
Contract Executed as a Deed	12 years	<ul style="list-style-type: none"> <li>Proceedings founded on a contract may be brought within these periods</li> <li>Actions for latent damage may be brought up to 15 years after the damage occurs</li> <li>Audit, Management</li> </ul>	Limitation Act 1980 Section 5
Contracts with Customers, Suppliers or Agents	Indefinite		
Licensing Agreements			
Rental/Hire Purchase Agreements			
Indemnities & Guarantees			
Other Agreements/Contracts			
Quotations & Tenders	12 years	Statute of Limitation	
<b>Property</b>			
Deeds of Title	Indefinite	Audit, Management	
Leases, agreements, contracts	Indefinite	Audit, Management	Limitation Act 1980 Section 14B

<b>Accounts</b>			
Scale of Fees and charges	6 years	Management	
Postage & Telephone Records	6 years	Tax, VAT, Statute of Limitations	
Receipt & Payment Accounts	Indefinite	VAT	
Bank Statements, Paying in Books, Cheque Book Stubs	Last completed audit	Audit	
Paid Invoices	6 years	VAT	
Cheques	6 years	VAT	Statute of Limitations
Receipt Books	6 years		
VAT Records	6 years	VAT	
Investments	Indefinite	Audit, Management	
<b>Tax</b>			
Supporting documentation for VAT returns	6 years	Records should be maintained until any enquiry into a tax return is complete	VAT Act 1994 Section 58 & Schedule 11 Para 6
Supporting documentation for PAYE returns	6 years		Income Tax (PAYE) Regulations 2003 Reg. 97
PAYE related records not required to be sent to Inland Revenue	3 years after the end of the tax year to which they relate		
<b>Banking Records</b>			
Cheques, bills of exchange and other negotiable instruments	6 years	Audit	
Bank statements including deposit/savings accounts	Last completed audit year	Audit	
Instructions to banks	6 year after ceasing to be effective		
<b>Councillor Records</b>			
Minute books	Indefinite	Archive	
Declarations of Office	4 years		

Members allowances register	6 years	Tax Statute of Limitations	
<b>Employee Records</b>			
Personal Records	12 years after employment ceases	Health & Safety records may need to be kept longer	Limitation Act 1980
Applications for jobs where the candidate is unsuccessful	1 year after notifying the unsuccessful candidate	Defamation action limit	<ul style="list-style-type: none"> <li>• Discrimination Acts 1975 &amp; 1986</li> <li>• Race Relation Act 1976</li> <li>• Limitation Act 1980</li> </ul>
Payroll/Wages	12 years after 31 January of the following year of assessment	Superannuation	Tax Management Act 1970 Sections 12 & 15
P Forms (P45, etc)	6 years		
Expense Accounts	6 years		
Labour Agreements	10 years	Best practice	
Sickness Records	3 years after the end of each tax year		Statutory Sick Pay (General) Regulations 1982 Reg. 13
Accident Books	3 years from the date of last entry		
Timesheets	3 years from last completed audit year		
Health & Safety Records	3 years	<ul style="list-style-type: none"> <li>• Personal injury actions must generally be commenced within 3 years of the injury</li> <li>• The time periods are extended in relation to employees exposed to hazardous substances</li> </ul>	

Leave Records	3 years		
Time Keeping Records	Last completed audit	Last completed audit year	Audit
<b>Insurance</b>			
Policies	While Valid	While Valid	Management
Claims correspondence	3 years after settlement	See NALC LTN 40 Para 7 replicated below	
Employer's Liability Insurance Certificate	40 years from the date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management	
Accident Reports and relevant correspondence	3 years after settlement		
Play Area Inspection Reports	21 years		
<b>Donations &amp; Subscription Records</b>			
Donations given & related correspondence	6 years		Companies Act 1985 Sections 221-222
Deeds of Covenant	6 years after the last payment made 12 years if payments are still outstanding or there is a dispute with the Deed		
Subscription Records	3 years after cessation of membership		Companies Act 1985 Section 222
<b>Planning Applications &amp; Associated Documents</b>			
Private Applications including documents relating to Appeals (Approved)	<ul style="list-style-type: none"> <li>• HTC's comments &amp; – 6 years</li> <li>• Other related documents – 2 years</li> </ul>	Until the development is completed	Freedom of Information Act 2000

Private Applications (Rejected)	5 years	Until the period within which an appeal can be made is expired	
Appeal Decision relating to rejected Private Applications	Indefinite	NALC LTN 40 refers	
Major Developments	5 years		
Copies of Structure Plans, Local Plans & similar documents	As long as document is in force	NALC LTN 40 refers	
<b>Publications</b>			
Guides, Leaflets, Maps, Plans	Subject to HTC's needs	Copy should be deposited with the British Library Board	The Legal Deposit Libraries Act 2003
<b>Meeting Records – Full Council, Committees &amp; Sub-Committees</b>			
Agendas	5 years	Record Keeping	
Minutes	Indefinite	Record Keeping, Archives	
Correspondence	Varies	For as long as it is useful/for admin. purposes	
NALC LTN 40 Para 7: Most legal proceedings are governed by the Limitation Act 1980 which provides that legal claims may not be commenced after a specified period. The tables below sets out the limitation periods for the different categories of claim.			
<b>Category</b>	<b>Limitation Period</b>	<b>Category</b>	<b>Limitation Period</b>
Negligence (& other TORTS)	6 years	Contract	6 years
		Leases	12 years
Defamation	1 year	Rent	6 years
To Recover Land	12 years	Personal Injury	3 years
Sums recoverable by statute	6 years	Breach of Trust	None

*All Holywell Town Council Policies are approved by full council and subject to an annual review.*

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*Town Mayor & Chairman of the Council*