

# **HORAM PARISH COUNCIL**

## **DOCUMENT RETENTION & DISPOSAL POLICY**

**Adopted January 2026**

## Purpose

- The policy applies to all records created, received or maintained by the Parish Council (including all Parish Councillors and Staff/Officers) in carrying out its functions
- To ensure that documents are retained for a sufficient period to comply with legal, financial and other statutory requirements
- To ensure that there is a consistent policy for the destruction of documents and records

A review of council documentation should be undertaken at least every 2 years, this includes both paper and electronic records. This should consider the storage, security, access to and disposal of records. Documents of historical importance, if not retained by the council, should be deposited at the ESCC record office.

The Clerk will review the storage and security of the paper records and report back/make recommendations to Full Council during 2024.

The Clerk will liaise with the IT provider to ensure that electronic data is stored and archived/backed-up safely and can be accessed by the Clerk as and when needed.

Access to all paper and electronic archived/backed-up records will only be via the Clerk, be they archived in the HPC office building, offsite e.g. at ESCC record office or remotely in e.g. 'the cloud'.

Disposal of any paper or electronic records will only be carried out by the Clerk or under the supervision/control of the Clerk.

Paper records will only be disposed of using commercial third-party companies. If storage of filled confidential waste sacks prior to removal for disposal were to become a problem, then collaboration with other Parish Councils (to make up a 'load') may be allowed by Resolution of Full Council.

**Each Parish Councillor and Officer is responsible for maintaining the completeness and integrity of the correspondence they receive &/or create &/or send until such time as it is archived/backed-up. The Clerk will liaise with the IT provider to establish the periodicity of archiving/backing-up.**

## Planning

Planning applications and decision notices will be retained for a period of 1 year as the information can also be accessed on the district planning authority's website. Information on contentious applications will be retained for a minimum of 2 years or for as long as required.

Correspondence from neighbours will be retained for one year or longer if it is felt to be necessary.

Local plans and similar documents shall be retained for as long as they are in force.

## 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 is retained, a permanent record of insurance company names and policy numbers for all insured risks should be kept. 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**

Information from other bodies (e.g. circulars etc. from County Associations, NALC and other bodies (e.g. principal authorities)- such information should be retained as long as it is useful and relevant.

### **Magazines and Journals**

Magazines and journals published by others should be retained for as long as they are useful and relevant.

### **Correspondence**

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

### **Documentation relating to staff**

Should be kept securely and in accordance with the eight data protection principles contained in the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However even after an employment relationship has ended, a council may need to retain and access staff records for former staff 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.

### **Retention of documents for legal purposes**

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 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 this policy, the

documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. In these circumstances, the relevant documentation should be kept for the longer of the limitation periods.

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).

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

Some limitation periods can be extended. For example:

- where individuals do not become aware of damage until a later date (e.g. in the case of disease);
- where damage is hidden (e.g. to a building);
- where a person is a child or suffers from mental incapacity;
- where there has been a mistake by both parties 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; and
- the inability to defend any claims made should relevant documentation be destroyed.

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.

## ANNEX

### RETENTION OF DOCUMENTS REQUIRED FOR THE COUNCIL AUDIT

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<b>General Minutes</b>	Indefinitely	PC office then archive at ESCC archive store after 10 years
Hand written minutes	Destroyed once typed minutes approved	Typed minutes replace handwritten ones.
Timesheets	Last completed audit year & current year.	Audit Personal injury (best practice)
Title deeds, leases, agreements, contracts	Indefinitely	Audit, Management
Trust Deeds	Indefinitely	Audit, Management, Limitation Act 1980.

Correspondence and general files (paper and emails)	Review every 2 years. Records of a short term value should be destroyed in the normal course of business, alternatively keep for 1 year unless matter not resolved.	Management/archive Where appropriate ESCC archive store
Register of members' interests	Retain whilst a member	Publication Scheme
Details of requests made under Data Protection Act or Freedom of Information Act	5 years after request is received	Management
Complaints	3 years unless legal or insurance claim is pending	Management
Planning applications and decision notices	6 months 2 years if contentious	Management
Local Plans	Whilst valid	Reference
Information from other bodies	As long as useful and relevant	Management
Magazines and journals	Any published work of the PC such as newsletter and annual report should be sent to the British Public Library Board. Otherwise retain as long as useful and relevant	Legal Deposit Libraries Act 2003 ESCC archive store Management
Policies and procedures	5 years	Management
Employee letters of employment, contracts and associated personnel records	Whilst in employment and 6 years thereafter	Management
<b>Financial</b>		
Receipt and payment spreadsheets account	Indefinitely	7 years in PC office then ESCC archive store
Receipt books	6 years	VAT
Bank statements, including deposit account	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Bank Reconciliation	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	7 years but 20 years for VAT on rents.	VAT
Petty cash and postage books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Wages and salary records	12 years	Superannuation
Investments	Indefinitely	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Scales of fees and charges	6 years	Management
Budget	6 years	Reference

Asset Register	Current and last completed audit version	Management/Reference
Audited Annual Return	Indefinitely	7 years in PC office then ESCC archive store
<b>Insurance</b>		
Insurance documentation including 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
Certificates for public liability insurance & receipts for premiums and certificates	21 years from date on which insurance commenced or was renewed	Management
Safety Inspections and Risk Assessments	20 years	Limitation Act 1980
<b>Burial Grounds</b>		
Register of fees collected	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)
Register of burials		
Register of purchased graves		
Register/plan of grave spaces		
Register of memorials		
Applications for interment		
Applications for right to erect memorials		
Disposal certificates		
Copy certificates of grant of exclusive right of burial		
<b>Allotments</b>		
Register and plans	Indefinite	Audit, Management
<b>Halls, Centre, Recreation Grounds</b>		
Application to hire	6 years	VAT
Lettings diaries		
Copies of invoices re hires		