



## DOCUMENT RETENTION POLICY

Approved at the Annual Meeting  
of the Council on 17.05.16

- 1 Purpose:** Neston Town Council (NTC) requires a wide variety of documents for transacting its business and is committed to retaining these documents in a format and for periods of time that:
  - Enables NTC to meet its statutory obligations in respect of documents subject to legislation;
  - Ensures security of documents;
  - Protects employees' privacy;
  - Facilitates access to information;
  - Optimises the use of storage space;
  - Is cost effective; and
  - Facilitates destruction of redundant documents.
- 2 Scope:** This Policy applies to users of NTC's information records, both paper and electronic, it includes Councillors and employees.
- 3 Statutory Requirements:** Documents subject to a statutory period of retention are identified by their associated legislation in Annex A.
- 4 Security of Documents:** NTC'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 Availability & Access:** All records necessary for NTC's business will be retained for a period of time that reasonably assures the availability of records when needed.
- 7 Storage Space and 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 Implementation of Policy:** The Council Manager will be responsible for the implementation of the Policy.
- 10 Monitoring & Review of Policy:** The appropriate Committee will review the Policy periodically to monitor its effectiveness, taking account of users' comments.

## Annex A – Retention Periods: Statutory Requirement & Best Practice Guidance

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 fifteen 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 and 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>			
Scales of Fees and charges	5 Years	Management	
Postage & Telephone Records	6 years	Tax, VAT, Statute of Limitations	
Receipt and payment account(s)	6 years	VAT	
Paying in Books, Cheque Book Stubs	Last completed audit	Audit	
Paid Invoices	6 years	VAT	
Cheques	6 years	VAT	Statute of Limitations
VAT records	6 years	VAT	
Investments	Indefinite	Audit, Management	
<b>Tax</b>			
Supporting documentation for VAT returns	6 years	If there is an enquiry into a tax return, records should be retained until the enquiry is complete	VAT Act 1994 s58 & Schedule 11 Para 6
Supporting documentation for PAYE returns	6 years		Income Tax (PAYE) Regulation 2003 Reg.97
PAYE related records not required to be sent to Inland Revenue	Three years after the end of the tax year to which they relate		

Amended at Full Council meeting 12.07.16

<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
<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 years after ceasing to be effective		
<b>Councillors Records</b>			
Minute books	Indefinite	Archive	
Members allowances register	6 years	Tax Statute of Legislations	
<b>Employee Records</b>			
Personal Records	6 years after employment ceases	Health & Safety Records may need to be kept longer	Limitation Act 1980
Applications for jobs- where the candidate is unsuccessful	One year after notifying the unsuccessful candidate	Defamation action limit	<ul style="list-style-type: none"> <li>• Discrimination Acts 1975 &amp; 1986</li> <li>• Race Relations Act 1976</li> <li>• Limitation Act 1980</li> </ul>
Payrolls/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		
Health & Safety Records	3 years	<ul style="list-style-type: none"> <li>• Personal injury actions must generally be commenced within three years of the injury.</li> <li>• The time periods are extended in relation to employees exposed to hazardous</li> </ul>	

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		substances.	
Leave Records	Three years		
Time-Keeping Records	Last Completed Audit	Last completed audit year	Audit
<b>Insurance</b>			
Policies	While Valid	While Valid	Management
Claims Correspondence	Three 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	3years after settlement		
<b>Donations &amp; Subscription Records</b>			
Donations given & related correspondence	6 years		Companies Act 1985 Sections 221-222
Deeds of Covenant	<ul style="list-style-type: none"> <li>• 6 years after the last payment made</li> <li>• 12 years if payments are still outstanding or there is a dispute re the Deed</li> </ul>		
Subscription records	3 years after cessation of membership		Companies Act 1985 Section 222
<b>Planning Applications &amp; Associated Documents</b>	Advice from CWaC: Six years from the date of NTC meeting at which Planning Application discussed (Planning Authority's records, available for inspection, go back to 1973)		
Private Applications inc documents relating to Appeals (Approved)	<ul style="list-style-type: none"> <li>• NTC's Comments &amp; Planning Authorities Decision – 6 years</li> <li>• Other related documents – 2 years</li> </ul>	Until the development has been completed	Freedom of Information Act 2000
Private Applications (Rejected)	5 Years	Until the period within which an appeal can be made has expired	
Appeal Decision relating to rejected Private Applications	Indefinitely	NALC LTN 40 refers	
Major Developments	5 Years		
Copies of Structure Plans, Local Plans and similar documents	As long as document is in force	NALC LTN 40 refers	
<b>Publications</b>	Depends on Council's	A COPY MUST BE	The Legal Deposit

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<b>Document/Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>	<b>Associated Legislation</b>
<ul style="list-style-type: none"> <li>• Neston Matters</li> <li>• Guides, Leaflets, Maps, Plans</li> </ul>	need and document's usefulness	DEPOSITED WITH THE BRITISH LIBRARY BOARD	Libraries Act 2003
<b>Meetings Records</b> <ul style="list-style-type: none"> <li>• Agendas</li> <li>• Minutes – NTC Meetings</li> <li>• Minutes – Committees, Subcommittees &amp; Working Groups</li> </ul>	<ul style="list-style-type: none"> <li>• 3 Months after meeting</li> <li>• Indefinite</li> <li>• Indefinite</li> </ul>	<ul style="list-style-type: none"> <li>• Facility for back-checking</li> <li>• Hard copies – at NTC or CW&amp;C Archives</li> <li>• On electronic media – 1 copy at a separate location</li> </ul>	

NALC LTN 40 Para 7: 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:

<b>Category</b>	<b>Limitation Period</b>	<b>Category</b>	<b>Limitation Period</b>	<b>Category</b>	<b>Limitation Period</b>
Negligence (and other 'Torts')	6 years	Contract	6 years	Sums recoverable by statute	6 years
Defamation	1 year	Leases	12 years	Personal Injury	3 years
To Recover Land	12 years	Rent	6 years	Breach of Trust	None

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