



# Penrith Town Council

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# RECORD MANAGEMENT & RETENTION POLICY

## 1. OVERVIEW

The purpose of this policy is to ensure the appropriate identification, management, destruction and the archiving of Council documents and records.

- Penrith Town Council will implement a system of paper and electronic records management and will include those records retained for audit purposes which are reviewed annually by a Council's internal auditor.
- Such systems will ensure the storage and security of, access to and disposal of, both paper and electronic records.
- This system and the procedure relating to record management will include an annual review of the records themselves.

## 2. INTRODUCTION

This policy guides the management and timely disposal of correspondence files and other Town Council documents.

Penrith Town Council is required to retain paper and electronic data for a variety of reasons. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

Subject to these reasons for retaining documents, and as a basic starting point, papers and records will be destroyed if they are no longer of use, are without a context or relevant. Such documents will be destroyed after 12 months.

Current papers are normally kept in files by subject in a fire proof filing cabinet or cupboard. Where there are many files an index is maintained to facilitate the location of papers.

## 3. SCOPE

This procedure applies to all documents produced by the Town Council and all documents received in the Town Council office. Reviewing and disposal of all such documents will take place on an annual basis. Documents produced by and readily available from other sources will be destroyed when they are no longer required.

#### 4. IDENTIFICATION

All electronic files shall be identified as follows:

- **Year** – 14
- **Month** – 07
- **Date** – 21
- **WD** – Working document prior to being either finished or moving to Draft for Council approval
- **Final** – Finished document that does not require Council approval
- **Draft** – applies to documents that are finished and have been put forward for Council approval,
- **Approved** – The draft document has been considered at Full Council and a resolution has been passed to resolve and approve the document.

EXAMPLE: 140721 WD Record Keeping Policy

- Part 2 items – Documents that are confidential in nature shall be printed on pink paper, retained securely and easily identifiable as such.

EXAMPLE: 140721 Final Confidential Acquisition of Asset

#### 5. RETENTION OF INTERNAL DOCUMENTS

- a. Working documents and drafts should not be retained. These should be destroyed on completion and/or approval.
- b. Final and Approved documents should be saved as a PDF for multi-source publication and a word copy retained for when the document requires reviewing and updating.
- c. Both electronic and paper records should be retained in chronological order and be “live” with a context.
- d. “Live” documents are records or documents that are used regularly and are less than 2 years old.
- e. The Shared on Server electronic files will be the up to date source for enquiries or tracking. Hard copies will only be printed and retained in the subject’s hard folder if the folder is in regular use or is a current project.
- f. Wherever possible all paper documents received by the office will be scanned and saved to the server.

### **6. PLANNING PAPERS**

- a. Where planning permission is granted, the planning application, any plans and the decision will 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.
- b. Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision notice will be retained against further applications relating to the same site.
- c. Copies of the Local Plan, Core Strategy and similar documents will be retained as long as they are in force.

### **7. INSURANCE POLICIES**

- a. All insurance policies will be kept for as long as it is possible for a claim to be made under them.
- b. Irrespective of how long policies and correspondence are retained, the Town Council will keep a permanent record of insurance company names and policy numbers for all insured risks.
- c. 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

## **8. CORRESPONDENCE**

- a. If related to audit matters, correspondence will be kept for the period specified in Annex A.
- b. In planning matters, correspondence will be retained for the same period as for other planning papers.
- c. Other correspondence will be retained for as long as it is useful and relevant.

## **9. MAGAZINES, JOURNALS AND OTHER PUBLICATIONS**

- a. Publications (e.g. newsletters) authored by the Council, and Journals published by others (e.g. local government news journals and magazines) should be retained for as long
- b. as they are useful and relevant.
- c. The Legal Deposit Libraries Act 2003 (the 2003 Act) and the Legal Deposit Libraries (Non-Print Works) Regulations 2013 (2013 Regulations) require any body which after 1 February 2004 has published works in print or after 6 April 2013 has published electronic works off line, to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). (Off line publication includes documents on CD, USB drive, and similar).
- d. Electronic works published on line after 6 April 2013 only must be delivered to the British Library if requested.
- e. The British Library holds books, periodicals, manuscripts and other publications for reference, study and information. Printed and electronic works as defined by the 2003 Act include those published by a local Council (or a parish or community meeting without a separate parish or community Council) including a pamphlet, magazine, newspaper, map, plan, chart or tab

## **10.DOCUMENTATION RELATING TO STAFF**

- a. Documents containing personal data will be kept securely and in accordance with the Data Protection Regulations 2018 and the Data Protection Act 1998.
- b. 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, the Town Council will retain and access records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the Council.
- c. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered below. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended, or the date of the act complained of.
- d. Subject to where the Limitation Act 1980 applies, the most common time limit for lodging a claim at an employment tribunal is 3 months (for example a claim for unfair dismissal must, by virtue of s.111 of the Employment Rights Act 1996, be lodged at an employment tribunal within 3 months of the date of the termination of the employment contract) although 6 months applies in redundancy and equal pay claims

## **11. LOCAL/HISTORICAL INFORMATION**

The Local Government (Records) Act 1962 provides that parish Councils may acquire records of local interest and accept gifts or records of general and local interest to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

## **12. ARRANGEMENTS FOR THE DEPOSIT, STORAGE AND MANAGEMENT OF DOCUMENTS**

Documents of local and or historical importance, if not retained and stored by the Town Council, will be offered first to the Cumbria County Record Office in accordance with s. 227 of the Local Government Act 1972 (the 1972 Act).

## **13. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES**

- a. 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.
- b. 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.
- c. 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; and
  - rent (6 years) – if the arrears are due under a tenancy (and not a lease).

- d. In these circumstances the relevant documentation will be kept for the longest of the three 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).

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

- e. The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be six 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 six years). A final complication relates to sums due under leases which are 'reserved as rent'. Sometimes, for example, service charges are expressed to be payable as 'additional rent'. The limitation period for service charges in those circumstances will be six years – even though the sums are due under a lease. As there is no limitation period in respect of trusts, the Council should never destroy trust deeds and schemes and other similar documentation.
- f. For the sake of completeness, it should be noted that some limitation periods can be extended. Examples include:
- 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 a mental incapacity;
  - where there has been a mistake by both parties or
  - where one party has defrauded another or concealed facts.



g. In such circumstances the 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.

## 14. RETENTION POLICY

This policy details the minimum retention time required for Council documents before disposal for the Penrith Town Council to comply with the Freedom of Information Act 2000 Publication Scheme. Where variable times are indicated the Council will review storage after the minimum period has elapsed. The following documents will be retained for the periods stated and the reasons given:

DOCUMENT	MINIMUM PERIOD OF RETENTION	REASON
<b>MINUTES</b>		
Minute books	Indefinite	Historical Archive
Draft/rough/notes of minutes taken at meetings	Until minutes are approved	Management
<b>FINANCE</b>		
Receipt and Payment Accounts	Indefinite	Archive
Scale of fees and charges	6 years	Management
Annual audited accounts	Indefinite	Historical Archive
Receipt books	6 years	VAT
All bank statements	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
General quotations/tenders	6 years	Limitations Act 1980 as amended
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitations Act 1980 as amended
Sundry debtor	6 years	VAT
VAT records	6 years	VAT
Petty cash	6 years	Tax, VAT, Limitations Act 1980 as amended
Timesheets	Last completed audit year	Audit and Working Time Regulations
Salaries/wages records	12 years	Superannuation

## RECORD MANAGEMENT & RETENTION POLICY

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<b>DOCUMENT</b>	<b>MINIMUM PERIOD OF RETENTION</b>	<b>REASON</b>
<b>INSURANCE</b>		
Employers Liability Insurance	Indefinite	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
<b>OTHER</b>		
Health and Safety Records	21 years	Management and Limitations Act 1980 as amended
Investment Records	Indefinite	Audit, Management
Title Deeds, Leases, Agreements, Contracts	Indefinite	Audit, Management
Members allowances registers	6 years	Tax, Limitations Act 1980 as amended
For all Town Council premises and facilities, booking schedules and invoices to hirers	6 years	VAT
Allotments	Indefinite	Audit
Special Town Council Projects	Indefinite	Indefinite

At the end of the stated periods, the files will be destroyed.

**Approved originally: May 2015 and amended for GDPR**

**Authorisation** This policy has been authorised by:

Signature 

Date 21 MAY 2018

Name: Cllr. Scott Jackson

Position: **CHAIRMAN OF THE COUNCIL**

## DATA CONTACTS

**DATA PROTECTION OFFICER:** Local Council Public Advisory Service  
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