

Chapmanslade Parish Council

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*Policy for the Retention of Documents.*

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## Policy for the Retention of Documents

### **1. Introduction**

- a. Chapmanslade Parish Council recognises the need to retain documentation for audit purposes, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to these, or other relevant considerations, documents that are no longer used or relevant should be destroyed.
- b. Documents may be created, received or maintained in hard copy or electronically.
- c. A small percentage of the Council's records will be selected for permanent preservation as part of the Council's archives and for historical interest. Such documents will be held by the Clerk and passed on to be held by Wiltshire Council's Records Officer at County Hall.
- d. The Clerk has the responsibility for the retention, storage and destruction of documents in compliance with this policy.

### **2. Retention Timescales**

Appendix A details the minimum time limits on the retention of council documents required for the purposes of audit and other reasons. Documents outside this schedule are as follows:

- a. **Planning documents**: All planning applications and relevant decision notices are available from Wiltshire Council. Accessible from their website.  
[www.wiltshire.gov.uk/planning](http://www.wiltshire.gov.uk/planning)  
There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Parish Council minutes, recorded on the Wiltshire Planning website and are retained indefinitely. However;  
**Contentious planning application documents**: Where permission is granted documents should be retained until the development is complete so that the Council can satisfy itself that development has proceeded according to the terms and conditions of the permission.
- b. Where planning permission is refused the papers should be retained until the period in which an appeal can be made has expired
- c. If an appeal is made and dismissed any appeal papers should be kept for use in evidence against any application on the same site.
- d. **Insurance policies**: All insurance policies should be kept for as long as it is possible for a claim to be made under them. The Council will keep a permanent record of insurance company names and policy numbers for all insured risks. Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 days from when the insurance commenced or was renewed.
- e. **The British Library**: The Legal Deposit Libraries Act 2003 requires that a copy of published works in print (including a pamphlet, magazine or newspaper, a map, plan,

## Chapmanslade Parish Council

chart or table) is delivered to The Legal Deposit Office of the British Library, at the expense of the Council, within one month of publication. Such publications are then held by the British Library as part of its comprehensive collection of books, periodicals and other printed publications published in the UK.

- f. **Documents relating to staff:** Data relating to staff should be kept securely and in accordance with the 8 data protection principles contained in the Data Protection Act 1998, and should not be kept for longer than is necessary for the purpose it was held. However, records about former staff may be retained and accessed 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.
- g. **Correspondence:** Correspondence relating to audit matters will be kept for the appropriate period (refer to Appendix A). In planning matters, correspondence sent to and from the parish council is retained until the development is complete  
Historical/local interest documents: Chapmanslade Parish Council might acquire records of local interest, gifts or records of general and local interest. These documents will either be retained by the Clerk or deposited with the Records Office.

### 3. Arrangements for the deposit, storage and management of documents

- a. In accordance with s.227 of the Local Government Act 1972, the Parish Council may request Wiltshire Council provide proper depositories for all specified papers (defined as public books, writings, council papers and all documents) directed by law to be kept where there is no provision.
- b. All electronic documents are kept on the Clerk's computer, which is and remains the property of the Council. The computer is password protected. A copy of all computer passwords are held securely. If required, the passwords will be changed as soon as access to the computer files is gained. Back-ups of documents are made to a secure external drive.

### 4. Retention of documents for legal purposes

Most legal documents are governed by the Limitations Act 1980, which prevents legal claims arising after a certain period. However, limitation periods can be extended so, when making a decision at the end of a storage period the Council will weigh the risk of lengthy storage against the risk of a claim being made. Insurance policy wording will be checked to ensure retention requirements under a policy are complied with. Limitations generally are as follows:

Category	Limitation Period
Negligence	6 years
Defamation	1 year
Sums recoverable by statute	6 years
Personal Injury	3 years
Breach of Trust	Never to be destroyed

## Chapmanslade Parish Council

### Appendix A Retention of Documents

ITEM	PERIOD	REASON
Minute Books	Indefinite	Archive
Annual Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Scale of fees & charges	6 years	Management
Bank statements	6 years	Audit/management
Cheque book stubs	Last completed audit	Management
Quotations	6 years	Audit
Paid invoices	6 years	Audit/VAT
VAT records	6 years	Audit/VAT
Salary records	6 years	Audit
Tax & NI records	6 years	Audit
Insurance policies	Whilst valid	Audit
Cert of Employers	Liability 40 years	Audit/legal
Cert of public liability	40 years	Audit/legal
Assets register	Indefinite	Audit
Records of members allowances	6 years	Audit
Planning Applications and associated documents.	1 year or final determination	Appeal and subsequent applications.
Correspondence including E mails	3 years or until the matter is closed	Reference
Computer based records other than E mail	Policies or as above items- or until no longer relevant	