



Horley Town Council

Retention of Documents and Procedures

1. INTRODUCTION

The purpose of this document by Horley Town Council (the Council) is to set out the corporate policy framework for ensuring that particular documents (or sets of documents) are dealt with appropriately; to be either retained and/or disposed of and in the correct method and timescales. The policy further explains the system used for the management of paper and electronic records. The Chief Executive Officer is responsible for ensuring that all Town Council documents are managed accordingly. Where the policy refers to ‘documents,’ this includes both paper and electronic copies.

In implementing a **Document Retention Scheme**, the Council has considered its legal and regulatory obligations. This includes compliance with the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers’ Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000, the Lord Chancellor’s Code of Practice on the Management of Records (2002), and the General Data Protection Regulation (GDPR) 2018 (amended 2021).

2. RETENTION OF DOCUMENTS

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to the above reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought from the Town Council’s Proper Officer and lead Data Protection Officer. Annexed to this policy (Appendix A) is the appropriate minimum document retention periods which must be observed.

3. RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

Most legal proceedings are governed by the Limitation Act 1980 (as amended) with provision that 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

Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods. As there is no limitation period in respect of trusts, the Council will never destroy trust deeds and schemes and other similar documentation.

Some limitation periods can be extended. Examples include:

- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
- where damage is latent (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;
- where one party has defrauded another or concealed relevant facts

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 this instance, the longer period will be observed. In such circumstances the Council will consider (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.

4. DOCUMENT RETENTION SCHEDULE

The Council has agreed a minimum **Document Retention Schedule (Appendix A)**, based on the obligations under the previously named acts, codes, orders and regulations. The need to retain any documents not included in the above Schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Chief Executive Officer.

5. DISPOSAL ARRANGEMENTS

All Town Council documents will always be handled in a correct and lawful manner. Under the Town Council's Data Protection Policy and the UK General Data Protection Regulations (GDPR), any document which contains data on an individual/s or personal data will be retained for the relevant time period and disposed of confidentially. For paper documents, this is through the confidential destruction of waste service used by the Town Council which is duly certified to ensure secure and compliant document disposal.

In order to maintain the organisation and efficiency of the workplace and reduce the volume of printing carried out, Town Council officers are committed to printing only those documents necessary to have in hard copy and disposing of those which are not necessary to be kept. Councillors wishing to dispose of paper copies of a confidential nature, may do so via the Town Council's confidential waste service, as appropriate, to ensure confidential documents are disposed of appropriately.

Confidential electronic documents or emails can be deleted, as required and appropriate (i.e. where they are not required to be kept), in the usual manner – this will suffice as secure disposal. Computer users will need to be mindful of any confidential electronic documents that may have been downloaded to the device being used – if this is the case, users should ensure to delete the document from the device. If there is any uncertainty as to how to do this, advice should be sought from a Town Council officer.

6. RESPONSIBILITY

The Chief Executive Officer (holds responsibility for ensuring all Town Council employees are aware of and adhere to the **Document Retention and Disposal Policy**, in particular the retention of documents as set out in **Appendix A** to the policy.

APPENDIX A – Document Retention Policy

Document	Minimum Retention Period	Reason	Disposal
Adopted Town Council Policy documents	Indefinite (archive when superseded)	Management	N/A
Accident/incident reports	20 years	Potential claims	Confidential waste
Allotments (register/plans)	Indefinite	Audit and Management	N/A
Allotments Terms and Conditions	6 years	Management	Dispose
Bank Statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Breach of trust	None		Confidential waste
Cheque Book stubs	Last completed audit year	Audit	Confidential waste
Cheques (Paid)	6 years	Limitation Act 1980 (as amended)	Confidential waste
Code of Practice	Destroy on renewal Review annually	Management	Confidential waste
Council Meeting Agendas	6 years	Archive	Dispose (confidential papers to be disposed of confidentially and certified).
Council Meeting Minutes (Committees and Sub-Committees)	Indefinite	Archive	Signed paper copies to be kept indefinitely in safe storage and at regular intervals (no more than 5 years), will be archived at deposited with the Surrey Archive Centre, Woking.
Contracts	6 years		Confidential waste
Correspondence (if relating to audit)	For period of Audit		Confidential waste
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Dispose
Facilities Hire/Lettings/Records [For Halls, Centres,	6 years	VAT	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
Recreation Grounds]			
Facilities Hire/ Invoices	6 years	VAT	Confidential waste
Formal complaints made under the Town Council's Complaints Procedure	6 years	Management	Confidential waste
Freedom of Information requests (FOIA)	6 years	Management	Confidential waste
General correspondence	As long as required for reference or accountability purposes (or to comply with regulatory requirements; or to protect legal and other rights and interests) but no longer than necessary.	Management GDPR regulations	Dispose (confidential papers to be disposed of confidentially and certified).
Information from other bodies, e.g legal updates, newsletters from county associations, NALC, principal authorities	As long as useful/relevant		Dispose
Insurance policies	While valid	Management	Dispose
Insurance company names and policy numbers	Indefinite	Management	N/A
Insurance Certificates 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	Dispose
Investments	Indefinite	Audit, Management	N/A
Invoices (Paid)	6 years	VAT	Confidential waste
Land Recovery	12 years		Confidential waste
Leases (not allotment)	12 years		Confidential waste
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
Magazines and journals	For as long as required; or kept for reference purposes or of general interest.	To comply with the Legal Deposit Libraries Act 2003 to provide copies to the British Library Board (local outlet).	Dispose if applicable
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
Negligence	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations
Operations Procedure Manual	Destroy on renewal Review annually	Management	Confidential waste
Personal data of employees	6 years after employment terminates	Recommended practice	Confidential waste (and scanned documents deleted from Council records)
Personal injury (see separate entry for accident reports)	3 years		Confidential waste.
Planning Applications	Until built	Management	Dispose
Planning Appeals	1 year unless significant development	Management	Dispose
Playground and equipment inspection reports	21 years		Confidential waste
Press Releases and publications	Indefinite (electronically)	Management	Dispose
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste
Receipt books of all kinds	6 years	VAT	Dispose
Receipt and payment accounts	Indefinite	Archive	N/A
Recording of Council meetings both audio and visual	1 year	Management	Dispose
Rent (not allotments)	6 years		Confidential waste
Rotas	1 month	Management	Confidential waste
Statutory maternity, paternity and adoption pay records and evidence	3 years from the end of the tax year in which the pay period ends	Maternity and Parental Leave regulations	Confidential waste
Scales of fees and charges	6 years	Management	Dispose
Signing in sheets	3 years	Management	Confidential waste
Personal data of Employees	6 years after employment terminates	Management	Recommended practice
Recruitment paperwork	1 year for all applications (except successful candidate)		Recommended practice
Sums recoverable by statute	6 years		Confidential waste
Timesheets	Last completed audit year 3 years	Audit requirement, Personal injury (best practice)	Dispose
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Trees	4 years	Management	Dispose
Trust deeds	Indefinite		N/A

Document	Minimum Retention Period	Reason	Disposal
VAT records	6 years generally, 20 years for VAT on rents	VAT	Confidential waste
Wages books/payroll	12 years	Superannuation	Confidential waste
Water Management Records	5 years	Management	Dispose
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	Electronic files will be backed up in a cloud-based IT programme	Management	Documentation no longer required to be disposed of, ensuring any confidential documents are destroyed confidentially and certified. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations

This Retention of Documents and Procedures Policy was adopted by Full Council at its meeting held on 18 March 2025 and shall be kept under regular review (or when legislation/recommended practice changes)