



Horley Town Council

Retention of Documents Policy

1. Introduction

- 1.1** Horley Town Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2** In agreeing a Document Retention Scheme, the Council has addressed these needs, and taken into account its obligations under 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 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002.

2. Retention of Documents for Legal Purposes

- 2.1** Most legal proceedings are governed by the Limitation Act 1980. 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.

| 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 |

- 2.2** 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.

2.3 As there is no limitation period in respect of trusts, the Council will never destroy trust deeds and schemes and other similar documentation.

2.4 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 suffers from a mental incapacity;
- where there has been a mistake or where one party has defrauded another or concealed relevant facts.

2.5 In such circumstances, the council will weigh up (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 documents be destroyed.

3. Document Retention Schedule

3.1 The Council has agreed a minimum Document Retention Schedule (Appendix A), based on the obligations under the previously named acts, codes, orders and regulations.

3.2 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 Clerk.



Horley Town Council

Appendix A

List of Documents for Retention or Disposal

| Document | Minimum Retention Period | Reason | Disposal |
|--|---------------------------|----------------------------------|--|
| Minutes | Indefinite | Archive | Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they will be archived and deposited with the Surrey Archive Centre, Woking. |
| Agenda | 5 years | Management | Dispose (shred confidential waste). |
| Accident/incident reports | 20 years | Potential claims | Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Scales of fees and charges | 6 years | Management | Dispose. |
| Receipt and payment accounts | Indefinite | Archive | N/A |
| Receipt books of all kinds | 6 years | VAT | 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. |
| Cheque book stubs | Last completed audit year | Audit | Confidential waste. |
| Quotations and tenders | 6 years | Limitation Act 1980 (as amended) | Confidential waste A list will be kept of those documents disposed of to |

| Document | Minimum Retention Period | Reason | Disposal |
|--|--|--|---|
| | | | meet the requirements of the GDPR regulations. |
| Paid invoices | 6 years | VAT | Confidential waste |
| Paid cheques | 6 years | Limitation Act 1980 (as amended) | Confidential waste |
| VAT records | 6 years generally but 20 years for VAT on rents | VAT | Confidential waste |
| Petty cash, postage and telephone books | 6 years | Tax, VAT, Limitation Act 1980 (as amended) | Confidential waste |
| Timesheets | Last completed audit year 3 years | Audit (requirement) Personal injury (best practice) | Dispose |
| Wages books/payroll | 12 years | Superannuation | Confidential waste |
| Insurance policies | While valid (but see next two items below) | Management | Dispose |
| Insurance company names and policy numbers | Indefinite | Management | N/A |
| 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 | Dispose |
| Playground and equipment inspection reports | 21 years | | |
| Investments | Indefinite | Audit, Management | N/A |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management | N/A |
| Members' allowances register | 6 years | Tax, Limitation Act 1980 (as amended) | Confidential waste. A list will be kept of those documents disposed of to |

| Document | Minimum Retention Period | Reason | Disposal |
|---|---|---|--|
| | | | meet the requirements of the GDPR regulations. |
| Information from other bodies e.g. circulars from county associations, NALC, principal authorities | Retained for as long as it is useful and relevant | | Dispose |
| Local/historical information | Indefinite – to be securely kept for benefit of the Parish | Councils may acquire records of local interest and accept gifts or records of general and 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 | Council may wish to keep its own publications For others retain for as long as they are useful and relevant. | The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act | Dispose if applicable. |

| Document | Minimum Retention Period | Reason | Disposal |
|--|--|--|---|
| | | published by a local council therefore constitute materials which the British Library holds. | |
| <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 | <p>The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.</p> | Management | <p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p> |
| General correspondence | <p>Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept.</p> <p>Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p> | Management | <p>Dispose (shred confidential waste).</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p> |

| Document | Minimum Retention Period | Reason | Disposal |
|----------------------------------|--|--|--|
| Correspondence relating to staff | If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years | 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 related legal claims made against the Council. | Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Negligence | 6 years | | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Defamation | 1 year | | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Contract | 6 years | | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Leases | 12 years | | Confidential waste. |
| Sums recoverable by statute | 6 years | | Confidential waste. |
| Personal injury | 3 years | | Confidential waste. |
| To recover land | 12 years | | Confidential waste. |
| Rent | 6 years | | Confidential waste. |
| Breach of trust | None | | Confidential waste. |
| Trust deeds | Indefinite | | N/A |

| Document | Minimum Retention Period | Reason | Disposal |
|--|---|--|---|
| For Halls, Centres, Recreation Grounds | | | |
| <ul style="list-style-type: none"> • Application to hire • Invoices • Record of tickets issued | 6 years | VAT | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Lettings diaries | Electronic files linked to accounts | VAT | N/A |
| Terms and Conditions | 6 years | Management | Dispose |
| Water Management Records | 5 years | Management | Dispose |
| Event Monitoring Forms | 6 years unless required for claims, insurance or legal purposes | Management | Dispose. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Register and plans | Indefinite | Audit, Management | N/A |
| Minutes | Indefinite | Audit, Management | N/A |
| Legal papers | Indefinite | Audit, Management | N/A |
| <ul style="list-style-type: none"> • Register of fees collected • 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 | Indefinite | Archives, Local Authorities Cemeteries Order 1977 (SI 204) | N/A |
| Applications | 1 year | Management | Dispose |
| Appeals | 1 year unless significant development | Management | Dispose |

| Document | Minimum Retention Period | Reason | Disposal |
|--------------------------------------|---------------------------------------|------------------------|--------------------|
| Trees | 1 year | Management | Dispose |
| Local Development Plans | Retained as long as in force | Reference | Dispose |
| Local Plans | Retained as long as in force | Reference | Dispose |
| Town/Neighbourhood Plans | Indefinite – final adopted plans | Historical purposes | N/A |
| Daily notes | Daily | Data protection | Confidential waste |
| Radio rotas | 1 week | Management | Confidential waste |
| Work rotas | 1 month | Management | Confidential waste |
| Observation sheets | 3 years | Data protection | Confidential waste |
| Stats | 3 years | Data protection | Confidential waste |
| Signing in sheets | 3 years | Management | Confidential waste |
| Review requests | 3 years | Data protection | Confidential waste |
| Discs – master and working | For as long as required | Data protection | Confidential waste |
| Internal Operations Procedure Manual | Destroy on renewal Review annually | Management | Confidential waste |
| Code of Practice | Destroy on renewal Review annually | Management | Confidential waste |
| Photographs/digital prints | 31 days | Data protection | Confidential waste |
| HTC Visitor Contact Details | 21 days | COVID-19 Track & Trace | Confidential waste |