

## **Document Retention Policy**

**This Document Retention Policy was  
adopted by  
Mountfield Parish Council  
at the Meeting on  
11th July 2017**

# MOUNTFIELD PARISH COUNCIL

## 1. INTRODUCTION

- 1.1 The 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 Policy, 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 Employer's Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, 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 the costs of storing relevant documents and the risks of
- Claims being made.
  - The value of the claims, and
  - The inability to defend any claims made should the relevant documentation be destroyed.

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## 3. DOCUMENT RETENTION SCHEDULE

3.1 The Council has agreed a minimum document retention schedule, based on the obligations under the previously named Acts, Codes, Orders and Regulations.

| <b>Document</b>  | <b>Minimum Retention Period</b>                                    | <b>Reason</b>  |
|--|--|--|
| Minute books   | Indefinite   | Archive  |
| Scale of fees and charges                                  | 6 years  | Management   |
| Receipt and payment accounts                               | Indefinite   | Archive  |
| Bank statements  | Last completed audit year  | Audit  |
| Bank paying-in books                                       | Last completed audit year  | Audit  |
| Cheque book stubs  | Last completed audit year  | Audit  |
| Quotations and tenders                                     | 6 years after completion of the contract                           | Limitation Act 1980  |
| Paid invoices  | 6 years  | VAT  |
| Paid cheques   | 6 years  | Limitation Act 1980  |
| VAT records  | 6 years  | VAT  |
| Insurance policies   | While valid  | Management   |
| Certificates for insurance against liability for employees | 40 years from date on which the insurance commenced or was renewed | Employer's Liability (Compulsory Insurance Regulations 1998)<br>Management |
| Title deeds, leases, agreements, contracts                 | Indefinite   | Audit<br>Management  |

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 doubt, advice should be sought from the Clerk.