## WADHURST PARISH COUNCIL

## DOCUMENT RETENTION SCHEME POLICY

#### 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 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, based on the obligations under the previously named acts, codes, orders and regulations.

Minute books         Indefinite         Archive           Scale of fees and charges         6 years         Management           Receipt and payments account(s)         Indefinite         Archive           Bank statements, including         Last completed audit year         Audit           Bank paying-in books         Last completed audit year         Audit           Quotations and tenders         6 years         VAT           Quotations and tenders         6 years after completion of contract.         Limitation Act 1980           Paid cheques         6 years         VAT         VAT           Paid cheques         6 years         VAT         VAT           Paid cheques         6 years         VAT         Tax, VAT, Limitation Act 1980           VAT records, P60s and P45s         6 years         VAT, Tax         Petry cash, postage and telephone           books         12 years         Superannuation         Management           Insurance policies         12 years         Superannuation         Employeers' Liability           Correspondence and emails         1 year         Audit         Management           Indefinite         Audit, Management         Audit, Management         Madignation Act 1980           Correspondence and emails         1 year <td< th=""><th>DOCUMENT</th><th>MINIMUM RETENTION PERIOD</th><th>REASON</th></td<>	DOCUMENT	MINIMUM RETENTION PERIOD	REASON
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For allotments         Indefinite         Audit, Management	<ul> <li>Application for hire</li> <li>Lettings diaries</li> <li>Copies of bills to hirers</li> <li>Record of tickets issued</li> </ul>		
	For allotments	Indefinite	Audit, Management

**Reviewed November 2023** 

# WADHURST PARISH COUNCIL

Register and plans		
For burial grounds	Indefinite	Archives, Local Authorities
<ul> <li>Register of fees collected</li> </ul>		Cemeteries Order 1977
<ul> <li>Register of burials</li> </ul>		
<ul> <li>Register of purchased</li> </ul>		
graves		
<ul> <li>Register/plan of grave</li> </ul>		
spaces		
<ul> <li>Register of memorials</li> </ul>		
<ul> <li>Application for internment</li> </ul>		
<ul> <li>Application for rights to</li> </ul>		
erect memorials		
<ul> <li>Disposal certificates</li> </ul>		
<ul> <li>Copy certificates of grant of</li> </ul>		
exclusive right of burial		

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.

Date of last review: November 2023