



Aldwick Parish Council Retention of Documents Policy

Introduction

The aim of the Retention of Documents list is to ensure proper document control within Aldwick Parish Council so that valuable documents are not destroyed and that information held is relevant and appropriate.

Documents and records should be retained until they are no longer needed. The Annex to this Note contains a table containing the appropriate minimum retention periods for the most important documents for audit and other purposes, such as staff management, tax liabilities and the possibility of legal disputes and legal proceedings. If in doubt, document(s) should be retained until legal advice has been received.

In agreeing a document retention scheme, the Parish Council has addressed these needs and taken into account its obligations under the Local Government Act 1972, the Local Audit & Accountability Act 2014, the Public Records Act 1958, the Data Protection act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1988, the Limitation Act 1980, the Employment Rights Act 1996, the Local Government (Records) Act 1962, the Freedom of Information Act 2000, the Lord Chancellor's Code of Practice on the Management of Records Code 2002 and compliance with General Data Protection Regulations (GDPR) legislation 25th May 2018.

Insurance Policies

All insurance policies should be kept for as long as it is possible for a claim to be made under them. Irrespective of how long policies and correspondence are retained, the Parish Council should ensure that they keep a permanent record of insurance company names and policy numbers for all insured risks. The Certificate of Employers' Liability Insurance must be prominently displayed throughout the period of cover.

Information from other bodies

Documents such as circulars, etc. from county associations, NALC and other bodies (e.g. principal authorities) should be retained for as long as is useful and relevant.

Correspondence

If related to audit matters, correspondence should be kept for the appropriate period specified in the Annex. For other correspondence (unless relating to staff), it is at the Parish Council's discretion.

Documentation Relating to Staff

Such documents should be kept securely and in accordance with the data protection principles contained in data protection legislation. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose for which it was held. However, even after an employment relationship has ended, or in some cases, when there is no employment relationship, a the Parish Council may need to retain and access 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 them.

Local and Historical Information

The Local Government (Records) Act 1962 provides that Parish Councils may acquire records of local interest and accept gifts or records of general and local interest to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

Arrangements for the Deposit, Storage and Management of Documents

In accordance with Section 227 of the Local Government Act 1972 (the 1972 Act), a Parish Council can request the District Council in which the parish is situated to provide proper depositories for all the specified papers (defined as public books, writings, council papers and all documents directed by law to be kept) belonging to the parish if there is no other provision available.

Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). 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 information (category/limitation period) below sets out the limitation periods for the different categories of claims. The reference to 'category' refers to claims brought in respect of that category.

- Negligence (and other torts except for personal injury) — Six years
- Personal injury — Three years
- Defamation — One year
- Contract — Six years
- Leases — 12 years
- Sums recoverable by statute — Six years
- To recover land — 12 years
- Rent — Six years
- Breach of trust — None

Some types of legal proceedings may fall within two or more categories.

In these circumstances, the relevant documentation should be kept for the longest of the differing limitation periods.

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

For the sake of completeness, it should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (e.g. in the case of disease).
- Where damage is hidden (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 or
- Where one party has defrauded another or concealed facts.

In such circumstances, the Parish Council will need to weigh up (i) the costs of storing relevant documents and (ii) the risks of:

- Claims being made.
- The value of the claims.
- The inability to defend any claims made should relevant documentation be destroyed.

Data Protection and Freedom of Information Considerations

The Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000 applies to public authorities and bodies which are subject to the Public Records Act 1958 (the 1958 Act).

Annexe A

Retention of Documents required for the Audit of Parish Councils

Document	Minimum Retention Period	Reason
Minutes for Full Council & Committees	Indefinite	Archive
Scales of Fees and Charges	Six years	Management
Receipt and Payment Accounts/Asset Registers	Indefinite	Archive
Receipt Books of all kinds	Six years	VAT
Bank Statements, including Deposit/Savings Accounts	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	Six years	Limitation Act 1980 (as amended)
Paid Invoices	Six years	VAT
Paid Cheques	Six years	Limitation Act 1980 (as amended)
VAT Records	Six years generally	VAT
Petty Cash, Postage, and Telephone books	Six years	Tax, VAT, and Limitation Act 1980 (as amended)
Timesheets	Three years (or last completed audit year)	Audit (requirement) and personal injury (best practice)
Wages, Salaries, HMRC Documents	12 years	Superannuation
Insurance Policies	As long as a claim can be made under it	Management and legal proceedings
Certificates for Insurance against Liability for Employees	Indefinitely	Future claims
Investments	Indefinite	Audit and management
Title Deeds, Leases, Agreements, Contracts	Indefinite	Audit and management
Members Allowances Register	Six years	Tax and Limitation Act 1980 (as amended)

General Correspondence/Emails	Two years	Management and Limitation Act 1980 (as amended)
Planning Applications	Local Decision	Held by Arun District Council
Accident Book	Three years	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Pension Contribution Records	Six years	Pensions Act 2014 (as amended)
Personal Records, including SSP	Six years	Limitations Act 1980 (as amended)
Asbestos/Hazardous Materials Records	Indefinite	Asbestos Regulations
Members' Register of Interests and Declarations of Acceptance of Office	Term of Office	Management/GDPR 2018
For Halls, Centre, and Recreation grounds:		
Application to hire lettings diaries copies of bills to hires record of tickets issue	Six years	VAT
For allotments:		
Register and Plans	Indefinite	Audit and management

Retention of Documents Policy
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