DOCUMENT RETENTION POLICY

V1.0

ADOPTED 23rd NOVEMBER 2026

AYTHORPE RODING PARISH COUNCIL DOCUMENT RETENTION POLICY

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Retention of documents

Aythorpe Roding Parish Council will retain documents and records until they are no longer needed. The Annex at the end of this policy 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, cemetery management and the possibility of legal disputes and legal proceedings. If in doubt, document(s) will be retained until legal advice has been received.

Financial returns and accounts

Council audit and accounting documents will be retained in line with government rulings and NALC's **Model Financial Regulations** (England and Wales).

Planning papers

Where planning permission is granted, the planning application, any plans, and the decision letter will normally be retained until the development has been completed. Where planning permission is granted on appeal, a copy of the appeal decision will also be retained. We may sometimes retain an appeal decision indefinitely because of wider implications (e.g. the decision may set a precedent for other developments in the locality). Where planning permission is refused, papers will be retained until the appeal period has expired. If an appeal is made and dismissed, the decision letter will be retained for use against further applications relating to the same site.

Electronic or paper copies of local plans and similar documents will be retained for as long as they are in force.

Insurance policies

Insurance policies will be kept for as long as it is possible for a claim to be made under them, however public and employers liability policies in particular will be kept for 40 years. A permanent record of insurance company names and policy numbers will be retained for all insured risks.

Information from other bodies

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

Magazines, journals and other publications

Our own publications (e.g. newsletters) may be kept permanently for archive purposes. Journals published by others (e.g. local government news journals and magazines) will be retained as long as they are useful and relevant.

Correspondence

Audit matters and correspondence will be kept for the appropriate period specified in the table contained within the Annex at the end of this document.

Planning matters and correspondence will be retained for the same period as suggested for other planning papers.

For other correspondence (unless relating to staff), no firm guidelines can be laid down.

Documentation relating to staff

Documents will be kept securely and in accordance with the data protection principles contained in data protection legislation. Personal data in relation to staff will 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, we 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 the council. Such claims could be made, for example, by job applicants, so records of the selection process will need to be retained. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question, or failing that, by reference to the Limitation Act 1980 (as amended).

Local and historical information

The Local Government (Records) Act 1962 provides that parish councils (and parish meetings in parishes without a separate parish council) 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), if a parish council requests the district council in which the parish is situated the relevant principal authority must 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 or community for which there is no other provision. Documents of local and or historical importance, if not retained and stored by the council, with or without reliance on the provisions of section 227 of the 1972 Act, will be offered first to the county record office if there is one. The county archivist will always be willing to advise on which records should be permanently preserved.

Local councils are advised to implement the system(s) of paper and electronic records management (including those records retained for audit purposes reviewed annually by a council's internal auditor). Such systems will ensure the storage and security of, access to and disposal of both paper and electronic records. Any record management system and policies in place will include an annual review of the records themselves, and also the effectiveness of such systems(s) (and policies).

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

Where the limitation periods above are longer than other periods specified in this policy, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories (depending on the circumstances):

- Contract (six years) — Because all tenancies and leases are contracts.
- Leases (12 years) — If the arrears are due under a lease.
- Rent (six years) — If the arrears are due under a tenancy (and not a lease).

In these circumstances documentation will be kept for the longest of the three limitation periods.

The same principles apply in the case of debts. If the debt arises under a simple contract, the limitation period will be six years, but if the debt arises under a lease, the limitation period will be 12 years (unless it relates to rent, in which case the limitation period will be six years). A final complication relates to sums due under leases, which are 'reserved as rent'. Sometimes, for example, service charges are expressed to be payable as 'additional rent'. The limitation period for service charges in those circumstances will be six years, even though the sums are due under a lease.

As there is no limitation period in respect of trusts, the 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 council will need to weigh (i) the costs of storing relevant documents and (ii) the risks of:

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

Annexe: Retention of documents required for the audit of parish and town councils

Document	Minimum retention period	Reason
Minute books	Indefinite	Archive
Scales of fees and charges	Six years	Management
Receipt and payment account(s)	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 but 20 years for VAT on rents	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 books	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)
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
For burial grounds:		
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, and copy certificates of grant of exclusive right of burial.	Indefinite	Archives and Local Authorities Cemeteries Order 1977 (SI. 204)