



TELSCOMBE TOWN COUNCIL

DOCUMENT RETENTION SCHEME

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.

2. Retention of Documents for Legal Purposes

2.1 Most legal proceedings are governed by the Limitation Act 1980 (as amended). This 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 the (ii) risks of:

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



3. Document Retention Schedule

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

| Document | Minimum Retention | Reason |
|---|--|---|
| Minute book | Indefinite | Archive |
| Scale of fees and Charges | 6 Years | Management |
| Receipt/Payment Accounts | Indefinite | Archive |
| All receipt books | 6 Years | VAT/Audit |
| All Bank Statements including savings/deposit 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 | 6 years after completion of contract | Limitation Act 1980 (as amended) |
| Paid invoices | 6 years | VAT |
| Paid cheques | 6 years | Limitation Act 1980 (as amended) |
| VAT records, P60's, P 45's | 6 years | VAT, tax |
| Petty cash, postage and telephone books | 6 years | VAT, tax, Limitation Act 1980 (as amended) |
| Timesheets | Last completed audit year | Audit |
| Wages books | 12 years | Superannuation |
| Insurance policies | While Valid | Management |
| Certificate for insurance against liability for employees | 40 years from date on which insurance was commenced. | Employers' Liability Regulations (Compulsory Insurance) Regulations 1998, Management |
| Investments | Indefinite | Audit, Management |
| Title deeds, leases, agreements, contracts | Indefinite | Audit, Management |
| Members Allowance Register | 6 Years | Tax, Limitation Act 1980 (as amended) |
| Personnel records, including SSP and maternity/paternity & adoption records | 6 years after employment terminates | Recommended Practice, Maternity/Paternity Leave etc. Regulations 1999 |
| Recruitment paperwork | 1 year for all except successful candidate | Recommended Practice |
| Accident books/reports | 3 years or if a young person until they reach the age of 21. | Reporting of injuries, diseases & Dangerous Occurrences Act 2013, RIDDOR (SI.1995/3163) |
| Correspondence and emails | 1 year | Limitation Act 1980 (as amended) |



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|---|------------|--------------------------|
| Annual accounts and asset registers | Indefinite | Archive |
| Formal Complaints made under the Council's complaint procedure. | 6 years | Management |
| Freedom of Information Requests Received | 6 years | Management |
| Previous versions of policies, standing orders, schemes of delegation | 3 years | Data Protection Act 2018 |
| Room/venue hire:- Booking forms Letting diary Copies of bills/invoices to hirers | 6 Years | VAT |
| For allotments (if applicable) Register and plans | Indefinite | Audit, 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, Oder 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 Town Clerk.

4. Disposal

4.1 As per the Council's Data Protection Policy and the Data Protection Act 2018, any document which contains data on an individual(s) or personal data will be disposed of confidentially via shredding in the Council offices.

4.2 Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so via shredding in the Council offices.