



CLAPHAM PARISH COUNCIL

DOCUMENTS/RECORDS 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 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 and adopted the Retention Guidelines for parish councils issued by West Sussex Record Office as follows.

West Sussex Record Office Retention Guidelines for Parish Council Records

The schedule accompanying these guidelines lists the main types of parish and town council records and gives recommendations for their retention and proposal. The following notes provide an explanation of the terms used in the schedule and give additional guidance to clerks on how to assess the records in their care.

Records to be preserved permanently at West Sussex Record Office (P)

Records in this category when no longer regularly consulted in the parish or town should be deposited in the West Sussex Record Office. They are generally easy to identify; the obvious examples are the main series of signed council and committee minutes and the receipt of payment books. Other records may be less easy to select, in particular correspondence files on important local issues and planning applications and papers for major or controversial developments. Here individual clerks should be best placed to judge which documents relate to significant or contentious local issues about which more detailed information needs to be preserved. The following points, however, may assist clerks. Firstly where detailed minutes survive there should be less need to preserve large amounts of correspondence. Secondly a filing system arranged by subject can ease considerably the process of selecting material on important issues. Lastly, important files can often be overloaded with material of an ephemeral nature; it is a good idea therefore to remove such papers from the files at a regular interval.

Records to be reviewed by West Sussex Record Office for possible permanent preservation (R)

Re-adopted 31.8.23 - Review at least annually August 2024.

Records in this category should be passed to West Sussex Record Office for review, either when the prescribed minimum retention period is over, or when they are no longer required in the parish or town for administrative purposes.

Records that may be destroyed by the parish or town clerk (D)

A large number of parish and town council records, mainly financial, may be safely disposed of by the parish or town clerk, usually after a minimum retention period prescribed for audit or other statutory purposes generally 6 years. Where no minimum period is given records in this category may be destroyed when they are no longer required in the parish or town council administrative purposes. We would recommend reviewing these files after 5 years or when an office holder retires if sooner. All documents should be treated as confidential waste and shredded.

Records	Action	Minimum Retention Period	Reason
Administration			
Minutes of Council/meeting (signed series)	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Reports and other documents circulated with agendas	R, but D if copies are included with signed minutes	Transfer to WSRO as soon as there is no longer an administrative requirement	
Agendas	D, but P if minutes do not survive	Transfer to WSRO as soon as there is no longer an administrative requirement	
Councillors' declarations of office	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Register of Interests	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Grouping orders	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Nominations forms parish council elections	D	[Ballot papers are destroyed after 6 months (statutory) so presumably nomination forms do not need to be kept for any length of time]	
Byelaws and orders	P, one copy of each	Transfer to WSRO as soon as there is no longer an administrative requirement	

Policy documents	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Title deeds	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Property registers and terriers including registers of allotments	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Maps, plans and surveys of property owned by the council or meeting	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Correspondence and papers on important local issues or activities	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Village/parish appraisals, plans and millennium projects	R with the view to P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Planning applications and related paper for <i>major controversial</i> developments; also planning appeal decisions	R with the view to D	Transfer to WSRO as soon as there is no longer an administrative requirement	
Planning applications [general]	D	15 years	
Leases, agreements, contracts and wayleaves	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Quotations and tenders (successful)	D	12 years	Statute of Limitation
Quotations and tenders (unsuccessful)	D	2 years	

Routine correspondence and papers	R with the view to D	Transfer to WSRO as soon as there is no longer an administrative requirement	
Planning applications for minor works where permission is refused	D	6 years	Statute of Limitation
Scale of fees and charges	D	Once replaced by new charges	
Insurance policies and Risk assessments	D	7 years after expired	
Playground assessments	D	Once replaced by new charges	
Loan sanctions	D	6 years after end of loan	Statute of Limitation
Staff files	D	6 years after left employ unless through ill-health or industrial tribunal case (keep until person is 65)	
Financial Information			
Receipt and payment books	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Vouchers before 1950	D	6 years	VAT
Financial returns to district auditors	D, but P if the receipt and payment books have not survived	Transfer to WSRO as soon as there is no longer an administrative requirement	
Cash and petty cash books and rent books	D, but P if the receipt and payment books have not survived	6 years	Tax, VAT, Statute of Limitation
Receipt books of all kinds	D	6 years	VAT
Postage and telephone books	D	6 years	Tax, VAT, Statute of Limitation
Bank statements including deposit/saving accounts	D	Last completed Audit year	Audit

Bank paying-in books	D	Last completed Audit year	Audit
Cheque book stubs	D	Last completed Audit year	Audit
Paid invoices	D	6 years	VAT
Paid cheques	D	6 years	Statute of Limitations
VAT records	D	6 years	VAT
Time sheets	D	Last completed Audit year	Audit
Wage books	D	12 years	Statute of Limitations
Members' allowances register	D	6 years	Tax, Statute of Limitations
Records relating to parish halls, centres and recreation grounds, applications to hire, letting diaries, copies of bills to hirers and records of tickets issued	D	6 years	VAT
Precept books and contribution orders	D	6 years	VAT
Miscellaneous Information			
Maps created under the provision of the Rights of Way Act 1932	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Community magazines newsletter	P one copy of each issue	Transfer to WSRO as soon as there is no longer an administrative requirement	
Press cuttings book	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Photographs [annotated with date and event/place]	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Photographs [not annotated with dates and events/places]	D		

Any records dating from before 1894 now held by the town or parish council (e.g. poor law, surveyors of the highway, enclosure awards etc)	P	Transfer to WSRO as soon as there is no longer an administrative requirement	
Any records of the parish council dating to before 1920	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
Records of other bodies such as burial boards, charities, fire brigades, home guard, local societies or ad hoc committees	P, but R ephemeral with view to D	Transfer to WSRO as soon as there is no longer an administrative requirement	
Burial ground records listed in Local Authorities Cemetery Order 1977 No 204 Section 12	R	Transfer to WSRO as soon as there is no longer an administrative requirement	
General reports, guides, handbooks etc, received by the parish council from other West Sussex bodies	D	Replace with new guides as issued	

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.