

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Finance and Policy Committee		
MEETING DATE AND TIME	25th January 2024 7.00 pm	LOCATION	Congleton Town Hall
REPORT FROM	Serena Van Schepdael: R.F.O		
AGENDA ITEM REPORT TITLE	Item 20 Document Retention Policy Review		
Background	<p>The current Document Retention Policy requires a review as it was last approved by Council in 2008, the Policy can be found here: DOCUMENTS RETENTION POLICY (congleton-tc.gov.uk)</p> <p>See Appendix 20.1 for Draft Updates.</p>		
Updates	<p>In general the retention dates in the current policy are correct according to 2024 requirements and good practice. The table been given an overhaul:</p> <ul style="list-style-type: none">• Sections created.• Introduction section has been added.• See notes on Burial Grounds, Planning Section and Election/Councillor section for items removed. <p>Information and Dates have been checked with current legislation, such as HMRC,(VAT, Payroll records) NALC/CHALC guidelines, Records Management of Great Britain Guidelines and our HR advisor Comparisons also made to other Town Council policies for guidance and notes.</p> <p>The Town Council communities' team is in discussions with the Cheshire Archives about storing copies of Congleton Town Council documents in its new Cheshire East Heritage and Archive centre being built in Crewe. When the Town Council has finished with the documents the following will be sent to the Archives for permanent storage both electronically and paper.</p> <ul style="list-style-type: none">• Minute books of Council and Committee meetings - after 7 years• Agenda and reports -archive after 7 years• Corporate business plans, annual reports, asset register• Publicised work of the Council (newsletter, town guides) – these should be sent to the archives for the local studies on publication.• Civic and Royal Events – records of - permanent archive after administrative use• Making of local byelaws, copies and procedures <p>An example of the types of information that the Archive is prepared to accept can be seen in Appendix 20.2</p>		

Financial	No requirements/implications for this decision. This policy, when implemented properly, could save the Council money in document online and physical storage.
Environmental	No implications for this decision. A thought-out and followed document retention policy will save the amount of information stored in the cloud and reduce unnecessary paper in the office.
Equality and Diversity	No implications The policies take into account guidance on equality and diversity for access to information.
Decision Request	To approve the updated Document Retention Policy and recommend to Council for approval and adoption into the Constitution.

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DOCUMENTS RETENTION POLICY

Introduction

Congleton Town Council (CTC) is obliged to maintain and retain documentation for a number of purposes, including audit, tax liabilities and in the event of legal disputes and proceedings. Subject to those reasons, papers and records may be destroyed if they are no longer of use or relevance. Both the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) require public bodies to manage information and its access in particular ways. ¹

Strategic Approach to Record Management

CTC's policy on record management will enable the Council to:

- Comply with the relevant legislation and codes of practice.*
- Create authentic, reliable and useable records.*
- Support the Council's business functions, including asset management.*
- Document the Council's decisions and activities.*
- Reduce storage costs.*
- Facilitate a paperless office where possible.*
- Enable the efficient and accurate retrieval of information.*
- Dispose correctly of records no longer required.*

The Chief Officer will be responsible for record management.

Staff Responsibility

All staff are obliged to:

- Keep accurate records in an organised and accessible form.*
- Keep records for as long as necessary.*
- Document actions and decisions in records*
- Document reasons for the disposal of records*
- Ensure all records created by the Town Council are relevant, complete and accurate, without any unsubstantiated or subjective commentary, and protected against unauthorised addition, deletion, alteration, use or concealment*

Periods of Retention

- The minimum periods for which various types of records must be kept are set out in*
- the Retention Schedule at Annex A. These reflect statutory requirements, codes of*
- practice and recommendations published by professional and other bodies. In the*

- *absence of any guidance, it will be the responsibility of the Chief Officer to determine a suitable retention period.*
- *At the end of the retention period, the record must be assessed to determine whether it should be retained for a further period. This is particularly relevant where the record has been the subject of a request for access to information under the GDPR or the FOIA. This is the case even where access to information has been refused, as the record should be retained until the end of the period in which an appeal can be lodged or the appeals procedure exhausted.*

Record disposal.

Records designated for disposal must be securely disposed of to preserve confidentiality. No record is to be disposed of without the approval of the Chief Officer, reasons must be given for disposal, and a note made of which records are destroyed with their date of destruction.

In order to preserve items that may be of historical significance or of interest to future historians' items marked permanent archive will be sent to the new Cheshire Archives and Local Studies centre being built in Crewe. They will keep both electronic and paper archived materials for Congleton Town Council in line with their Parish Council Draft Archive document.

*NB Items marked with * or LTN40 are in accordance with NALC guidelines.*

DOCUMENT	MINIMUM PERIOD OF RETENTION	REASON/ACT/GOVERNANCE/ DECISION WHEN TO DESTROY/ ARCHIVE
<u>COUNCIL</u>		
Record of disposal records	Destroy after 12 years	Common practice
Minute Books-Council & Committee/ Sub-committee	Permanent archive after administrative use (7 years)	Archive/Public Inspection LTN40
Council/committee meetings notices, Agendas, reports & documents	Permanent archive after administrative use (7 years)	Local decision
Working party agendas, reports	Permanent archive after administrative use (7 years)	Local decision
Minute taking notes	Destroy after minutes approved	Local decision
Corporate plans, Strategies, policies Business plans, annual reports, asset register	Permanent archive after superseded	Common practice
<u>CORPORATE/LEGAL</u>		
Agreements between organisations & Partners	Destroy 6 years after expiry	Common practice
Quotations and tenders	12 years	Limitation Act 1980
Contracts & Tendering-all documents	Destroy 6 years after last Action except contract under seal (12 years)	Part statutory Limitation Act 1980
Building contracts	Life of building + 15 years Permanent archive	Statutory- Building & Safety Act
Health & Safety	Destroy 15 years after last Action 40 years for asbestos	Common practice COSHH
Statutory returns to Government etc.	7 years	Common practice
Operating procedures	2 years after superseded	Local choice
Consultations of public & staff	Destroy after 5 years from Closure	Common practice
Record of complaints against Council	Destroy after 6 years	Common practice
Freedom of information- Reviewing the quality, efficiency, or performance of the Council	Destroy after 5 years	Common practice
Publicised work of the Council	One copy to Permanent Archive Destroy after administrative Use	Common practice
Media Relations-records of	Destroy after 3 years	Common practice

interactions		
Marketing & promotions literature	Destroy after 6 years	Local choice
Civic & Royal events-records of Organising documents	Permanent Archive after administration use Concluded Destroy after 7 years	Common practice Common practice
Insurance policies Claims	While valid & Permanent Archive * As long as it is possible for A claim to be made under It.	Management and legal proceedings* Limitation Act 1980
Insurance certificates/Employers' Liability Certificates Certificates for insurance against Liability for employers*	Indefinite Archive after 6 years Indefinite* Permanent Archive after 6 years	Management Future Claims*
Title deeds, leases, agreements, contracts	Indefinite Permanent Archive after 6 years	Audit, Management
For Allotments - register and plans	Indefinite	Audit, 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 - Copy certificates of grant of exclusive right of burial	Indefinite	Archives Cemeteries-Orders Cremations-Regulations
NB: REMOVED AS NOT APPLICABLE TO CTC		
<u>PLANNING</u>		
Planning lists, plans & observations	Destroy after 2 years	Local choice
Statutory Development Plans Observations	Destroy 5 years after -Expiry or when draft -Superseded Same	Local choice
Consultations on statutory functions e.g. Licensing, Highways	Destroy after 3 years	Local choice
Making local byelaws, copies	Permanent archive after	Common practice

& procedures	Administrative use ended	
Administration & enforcement of Local byelaws	Destroy 2 years after conclusion of action	Common practice
Emergency planning & environmental issues	Destroy 7 years after Administration concluded	Common practice
NB REMOVED AS OUR COMMENTS ARE NOTED IN MINUTES AND ONLINE PLANNING LISTS		
<u>ELECTIONS/COUNCILLORS</u>		
Elections- Register & associated lists	Destroy after 4 years	Local choice (permanent record With Borough)
Lists of candidates	Destroy after 4 years	Local choice (permanent record With Borough)
Election results	Permanent	Local choice (permanent record With Borough)
Member contact details	As long as they are a member of the Council. Keep with permission for Future contact on data base	Common practice Data Protection
Representation- list of members representing the Council on outside bodies	4 years	Local choice
Political party papers	3 years	Common practice
NB REMOVED AS WE DO NOT KEEP PAPERS OR PAY ALLOWANCES		
Register/file of Members allowances	6 years	Income Tax Limitation Act 1980 LTN40
<u>ACCOUNTING RECORDS</u>		
Accounting Records in general	6 Years from the date they are made	Common Practice for Accounting Records (HMRC: VAT 700/21)
Annual Governance Accountability Report	CTC to permanent archive AGAR and supporting documents	Accounts & Audit Regulations 2015 Must remain available for public access for minimum of 5 years.
Accounts & Audits	Permanent archive after Administrative use Concluded	Common practice
Associated documents	Destroy after Administrative use	
Scales of Fees and Charges	*6 years	Common Practice for Accounting Records

		(HMRC: VAT 700/21)
Receipt and payment(s) accounts (CTC use Income and Expenditure Accounting)	Indefinite *Permanent archive	Archive
Receipt books of all kinds	*6 years	Common Practice for Accounting Records (HMRC: VAT 700/21)
Investments	*Indefinite	Audit, Management
Loans	Destroy 7 years after loan Repaid	Common practice
Bank statements, including deposit/savings accounts	Last completed audit year According to LTN40 CTC to keep 6 years	Audit Common Practice for Accounting Records (HMRC: VAT 700/21)
Bank paying-in books	Last completed audit year According to LTN40 CTC to keep 6 years	Audit Common Practice for Accounting Records (HMRC: VAT 700/21)
Cheque book stubs/Paid Checks	Last completed audit year According to LTN40 CTC to keep 6 years	Audit Common Practice for Accounting Records (HMRC: VAT 700/21)
Paid invoices	*6 years	Common Practice for Accounting Records (HMRC: VAT 700/21)
VAT records	*6 years (20 years for VAT on rents)	Common Practice for Accounting Records (HMRC: VAT 700/21)
Budget & Estimates/Management	6 years then permanent Archive	Common Practice Records Management
Working Papers	6 years	2 years recommended, CTC to Keep for 6 in line with common practice
Accounts & Audits	Permanent archive after Administrative use is	Common practice

Associated documents	concluded Destroy after Administrative use	
Petty cash, postage and telephone books	*6 years	Common Practice for Accounting Records (HMRC: VAT 700/21)
For Halls, Centres, Recreation Grounds - applications to hire - lettings diaries - copies of bills to hirers - record of tickets issued	6 years	Common Practice for Accounting Records (HMRC: VAT 700/21)
PERSONNEL AND PAYROLL RECORDS		
Timesheets	*Last completed audit year Recommended by LTN40 6 years CTC	Audit(requirement) * and personal injury (best Practice) Common Practice
Salaries and wages documents, Inland Revenues(tax & NI) (Wages books)	*12 years	Superannuation
Personnel administration	Destroy 5 years after person leaves Authority (except staff working with children-25 years)	Local choice & statutory
Recruitment & interview documents	1 Year	Equal opportunities claims
Staff team briefs	3 years	Common practice
Statutory returns to Government etc.	7 years	Common practice
Next of Kin information	Termination of employment	Confidential

The UK Limitation Act 1980 contains a 3-12 year time limit for starting many legal proceedings, dependant on the area. So where documents may be relevant to a contractual claim, it's recommended that these are kept for at least a corresponding 6-year period, see below table.

Category	Limitation Period
Negligence (and other torts except personal injury)	6 years
Personal injury	3 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
To recover land	12 years
Rent	6 years
Breach of trust	None

DRAFT SCHEME FOR "PC" SERIES OF PARISH COUNCIL RECORDS

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|--|---|
| 1. CLERK: COUNCIL AND COMMITTEE | 6. TREASURER |
| 1/1 Council Minutes and Proceedings | 6/1 Ledgers |
| 1/2 Committee Minutes and Proceedings | 6/2 Financial Statements and Accounts |
| 1/3 Reports to Committees | 6/3 Mortgages and Loan Accounts |
| 1/4 Committee Papers | 6/4 Housing Accounts |
| 1/5 Standing Orders | 6/5 Employees and Wages |
| 1/6 Declarations | 6/6 Correspondence and Papers |
| 1/7 Elections | |
| 2. CLERK: ADMINISTRATION | 7. RATING OFFICER |
| 2/1 Official Guides | 7/1 Valuation Lists |
| 2/2 Commemoration | 7/2 Valuation Summaries |
| 2/3 Local Government Reorganisation | 7/3 Rate Books |
| 2/4 Inquiries | 7/4 Rate Collection |
| 2/5 Correspondence and Papers | 7/5 Correspondence and Papers |
| 3. CLERK: LEGAL AND PROPERTY | 8. CEMETERIES AND BURIAL GROUNDS |
| 3/1 Property | |
| 3/2 Contracts and Agreements | 9. TOWNSHIP RECORDS |
| 3/3 Land Charges | 9/1 Town Books and Vestry Minutes |
| 4. CLERK: BYELAWS | 9/2 Overseers |
| 4/1 Byelaws | 9/3 Church Rates |
| | 9/4 Constables |
| | 9/5 Surveyor of Highways |
| | 9/6 Maps and Surveys |
| | 9/7 Censuses |
| 5. CLERK: WARTIME RECORDS | 9/8 Papers and Correspondence |
| 5/1 Air Raid Precautions | |
| 5/2 Fire Services | 10. RELATED ORGANISATIONS |
| 5/3 Medical Services | |
| 5/4 Casualties | |
| 5/5 Evacuation Schemes | |
| 5/6 Military Tribunals | |
| 5/7 Correspondence and Papers | |

Sections 1 to 7 correspond to the same sections in the LR and LU series.

Section 8 is the same as item 11 in the LR and LU series.

Sections 9 and 10 correspond to sections 4 and 6 in the P series.