



## Frodsham Town Council

### Document Retention & Security Policy

- 1 Purpose:** Frodsham Town Council (FTC) requires a wide variety of documents for transacting its business and is committed to retaining these documents in a format and for periods of time that:
  - Enables FTC to meet its statutory obligations in respect of documents subject to legislation;
  - Ensures security of documents;
  - Protects employees' privacy;
  - Facilitates access to information;
  - Optimises the use of storage space;
  - Is cost effective; and
  - Facilitates destruction of redundant documents.
- 2 Scope:** This Policy applies to users of FTC's information records, both paper & electronic, and includes Councillors & employees.
- 3 Statutory Requirements:** Documents subject to a statutory period of retention are identified by their associated legislation in Annex A.
- 4 Security of Documents:** FTC's records are held in paper and/or electronic format. To minimise the risk of accidental loss of valuable records, masters or copies of paper-documents (as deemed appropriate) will be stored off-site. Storage media, location (on-site or off-site) and retention periods are specified in Annex B.
- 5 Employees' Privacy:** The privacy of personnel records will be appropriately assured.
- 6 Availability & Access:** All records necessary for FTC's business will be retained for a period of time that reasonably assures the availability of records when needed.
- 7 Storage Space & Cost:** Redundant records may be destroyed in order to reduce the cost of storage, indexing & handling the vast quantity of documents that would otherwise accumulate. Destruction of documents will be undertaken in accordance with the provisions of this Policy to avoid any inference that a document was destroyed in anticipation of a problem.
- 8 Electronic Storage:** Records maintained on electronic data processing storage media will be subject to the same rules of retention & security as paper records.
- 9 Implementation of Policy:** The Policy & Process Committee will be responsible for the implementation of the Policy.
- 10 Monitoring & Review of Policy:** The Policy & Process Committee will review the Policy periodically to monitor its effectiveness, taking account of users' comments.

## Annex A – Retention Periods: Statutory Requirement & Best Practice Guidance

| Document/Type  | Retention Period   | Notes   | Associated Legislation  |
|--|--|---|---|
| <b>Agreements, Contracts &amp; Related Correspondence</b>  |  |   |   |
| Major Agreements of Historical Significance  | Permanently  | Documents relating to milestones in FTC's history (eg transfer of power from Runcorn Rural District, conversion from Parish to Town etc)  |   |
| Contract Executed as a Deed  | Twelve yrs   | <ul style="list-style-type: none"> <li>• Proceedings founded on a contract may be brought within these periods</li> <li>• Actions for latent damage may be brought up to fifteen yrs after the damage occurs</li> </ul> | Limitation Act 1980 Section 5   |
| Contracts with Customers, Suppliers or Agents  | Fifteen yrs after expiry/ termination of contract            |   |   |
| Licensing Agreements   |  |   |   |
| Rental/Hire Purchase Agreements  |  |   |   |
| Indemnities & Guarantees   |  |   |   |
| Other Agreements/Contracts   |  |   |   |
| Quotations and Tenders   | Six yrs  | NALC LTN 40   |   |
| <b>Property</b>  |  |   |   |
| Deeds of Title   | Permanently or until property is disposed of                 |   |   |
| Leases   | Fifteen yrs after expiry                                     |   | Limitation Act 1980 Section 14B   |
| <b>Accounts</b>  |  |   |   |
| Accounts (inc Receipt Books) giving information sufficient to comply with legislation (Transaction Records & Quarterly Reports etc)        | Six yrs from the date the accounts are produced              | Some accounting records will be required for tax purposes [NALC LTN 40 advises retention of record of receipts & payments 'indefinitely']   | <ul style="list-style-type: none"> <li>• Companies Act 1985 Sec 222(5)</li> <li>• Companies Act 1989</li> </ul> |
| Paid Invoices & Cheques  |  |   |   |
| Petty Cash, Postage & Telephone Records  |  |   |   |
| Investments  | Permanently  | NALC LTN 40   |   |
| <b>Tax</b>   |  |   |   |
| Supporting documentation for VAT returns   | Six yrs  | If there is an enquiry into a tax return, records should be retained until the enquiry is complete  | VAT Act 1994 s58 & Schedule 11 Para 6   |
| Supporting documentation for PAYE returns  | Six yrs  |   | Income Tax (PAYE) Regulation 2003 Reg.97  |
| PAYE related records not required to be sent to Inland Revenue   | Three yrs after the end of the tax year to which they relate |   |   |
| <b>Banking Records</b>   |  |   |   |
| <ul style="list-style-type: none"> <li>• Cheques, bills of exchange and other negotiable instruments</li> <li>• Bank statements</li> </ul> | Six yrs  | [NALC LTN 40 advises retention of Bank Statements, Paying-in Books & Cheque Stubs for 'Last completed audit year']  |   |
| Instructions to banks  | Six yrs after ceasing to be effective                        |   |   |

| Document/Type   | Retention Period   | Notes  | Associated Legislation  |
|---|--|--|---|
| <b>Councillors Records</b>                                |  |  |   |
| Allowance Register  | Six yrs  | NALC LTN 40  |   |
| Register of Interests                                     | Six yrs after: <ul style="list-style-type: none"> <li>▪ Cllr's term of office ends; or</li> <li>▪ Cllr completes new form</li> </ul> | Requirement under Localism Act not clear. Many Councils keep for 18 months.  | Local Government Act 2000   |
| Acceptance of Office Forms                                | Permanently  | Common practice  |   |
| <b>Employee Records</b>                                   |  |  |   |
| Personal Records  | Six yrs after employment ceases  | Health & Safety Records may need to be kept longer   | Limitation Act 1980<br>Data Protection Act 1998   |
| Applications for jobs-where the candidate is unsuccessful | One year after notifying the unsuccessful candidate  | Defamation action limit  | <ul style="list-style-type: none"> <li>• Discrimination Acts 1975 &amp; 1986</li> <li>• Race Relations Act 1976</li> <li>• Limitation Act 1980</li> </ul> |
| Payrolls/Wages  | Twelve yrs after 31 January of the following year of assessment  | NALC LTN 40  | Tax Management Act 1970<br>Sections 12 & 15.  |
| P Forms (P45 etc)   | Six yrs  |  |   |
| Expense Accounts  | Six yrs  |  |   |
| Labour Agreements   | Ten yrs  | Best practice  |   |
| Sickness Records  | Three yrs after the end of each tax year   |  | Statutory Sick Pay (General) Regulations 1982 Reg.13  |
| Accident Books  | Three yrs from the date of last entry  |  |   |
| Health & Safety Records                                   | Three yrs  | <ul style="list-style-type: none"> <li>• Personal injury actions must generally be commenced within three yrs of the injury.</li> <li>• The time periods are extended in relation to employees exposed to hazardous substances.</li> </ul> |   |
| Leave Records   | Three yrs  |  |   |
| Time-Keeping Records                                      | Three yrs  | [NALC LTN 40 advises retention for 'Last completed audit year']  |   |
| <b>Insurance</b>  |  |  |   |
| Policies  | Three yrs after lapse  | [NALC LTN 40 advises retention 'While Valid']  |   |
| Claims Correspondence                                     | Three yrs after settlement   | See NALC LTN 40 Para 7 replicated below  |   |
| Employer's Liability Insurance Certificate                | Forty yrs  |  |   |
| Accident Reports and relevant correspondence              | Three yrs after settlement   |  |   |
|   |  |  |   |

| Document/Type  | Retention Period  | Notes  | Associated Legislation                            |
|--|---|--|---|
| <b>Donations &amp; Subscription Records</b>  |   |  |   |
| Donations given & related correspondence   | Six yrs   |  | Companies Act 1985 Sections 221-222               |
| Deeds of Covenant  | <ul style="list-style-type: none"> <li>• Six yrs after the last payment made</li> <li>• Twelve yrs if payments are still outstanding or there is a dispute re the Deed</li> </ul> |  |   |
| Subscription records   | Three yrs after cessation of membership   |  | Companies Act 1985 Section 222                    |
| <b>Cemetery Records</b> <ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of Burials</li> <li>• Register of Purchased Graves</li> <li>• Register/plan of Grave Spaces</li> <li>• Register of Memorials</li> <li>• Applications for Interment</li> <li>• Applications for Right to Erect Memorials</li> <li>• Disposal Certificates</li> <li>• Copy Certificates of Grant of Exclusive Right of Burial</li> </ul> | Permanently   | NALC LTN 40 refers   | Local Authorities Cemeteries Order 1977 (Sl. 204) |
| <b>Planning Applications &amp; Associated Documents</b>  | Advice from VRBC: Six yrs from the date of FTC meeting at which PA discussed (Planning Authority's records, available for inspection, go back to 1973)                            |  |   |
| Private Applications inc documents relating to Appeals (Approved)  | <ul style="list-style-type: none"> <li>• FTC's Comments &amp; Planning Authorities Decision – six yrs</li> <li>• Other related documents – two yrs</li> </ul>                     | NALC LTN 40 advises retention “until the development has been completed”   | Freedom of Information Act 2000                   |
| Private Applications (Rejected)  | Six yrs   | NALC LTN 40 advises ‘until the period within which an appeal can be made has expired’  |   |
| Appeal Decision relating to rejected Private Applications  | Indefinitely  | NALC LTN 40 refers   |   |
| Major Developments   | Six yrs   |  |   |
| Copies of Structure Plans, Local Plans and similar documents   | As long as document is in force   | NALC LTN 40 refers   |   |
| <b>Publications</b> <ul style="list-style-type: none"> <li>• <del>Frodsham Post</del> ‘The Bee’</li> <li>• Town Guide</li> <li>• Walk Books</li> <li>• Leaflets, Maps, Plans</li> </ul>  | Depends on Council's need and document's usefulness   | A COPY MUST BE DEPOSITED WITH THE BRITISH LIBRARY BOARD  | The Legal Deposit Libraries Act 2003              |
| <b>Meetings Records</b> <ul style="list-style-type: none"> <li>• Agendas</li> <li>• Minutes – FTC Meetings</li> <li>• Minutes – Committees, Subcommittees &amp; Working Groups</li> </ul>  | <ul style="list-style-type: none"> <li>• 3 Months after meeting</li> <li>• Permanently</li> <li>• Permanently</li> </ul>  | <ul style="list-style-type: none"> <li>• Facility for back-checking possible errors and/or omissions</li> <li>• Hard copies – one each at FTC &amp; Records Offices</li> <li>• On electronic media – 2 copies at separate locations</li> </ul> |   |

**NALC LTN 40 Para 7:** 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 table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category:

| <b>Category</b>                | <b>Limitation Period</b> |
|--------------------------------|--------------------------|
| Negligence (and other 'Torts') | Six years                |
| Defamation                     | One year                 |
| To Recover Land                | Twelve years             |
| Contract                       | Six yrs                  |
| Leases                         | Twelve yrs               |
| Rent                           | Six yrs                  |
| Sums recoverable by statute    | Six yrs                  |
| Personal Injury                | Six yrs                  |
| Breach of Trust                | None                     |

## Annex B – Retention & Security of Files & Document

| Files/Contents   | Mode & Period of Retention  |                                 |                             |                             |         |
|--|---|---------------------------------|-----------------------------|-----------------------------|---------|
|  | On-Site   |                                 | Off-Site                    |                             | Website |
|  | Paper   | PC/Disc                         | Paper                       | PC/Disc                     |         |
| <b>Agreements, Contracts &amp; Related Correspondence</b>  |   |                                 |                             |                             |         |
| Major Agreements of Historical Significance  | No  | No                              | Permanently                 | No                          | No      |
| Contract Executed as a Deed  | <ul style="list-style-type: none"> <li>o Retain on-site till expiry.</li> <li>o Retain off-site after expiry</li> </ul> | Up to and including expiry date | No                          | 15 Yrs after date of expiry | No      |
| Contracts with Customers, Suppliers or Agents  |   |                                 |                             |                             |         |
| Licensing Agreements   |   |                                 |                             |                             |         |
| Rental/Hire Purchase Agreements  |   |                                 |                             |                             |         |
| Indemnities & Guarantees   |   |                                 |                             |                             |         |
| Other Agreements/Contracts   |   |                                 |                             |                             |         |
| Quotations and Tenders   |   | If received via email           | 6 Yrs                       |                             | No      |
| <b>Property (Including Allotments at Ashton Drive, Kingsway &amp; London Road and Play Areas &amp; Recreation Grounds)</b>     |   |                                 |                             |                             |         |
| Deeds of Title   | No  | No                              | Permanently                 | No                          | No      |
| Leases   | Up to and including expiry date   | No                              | 15 Yrs after date of expiry | No                          | No      |
| Register and Plans   |   |                                 | Permanently                 |                             |         |
| Application to Hire  |   |                                 | Six yrs                     |                             |         |
| Lettings Diaries   |   |                                 |                             |                             |         |
| Copies of Bills to Hire  |   |                                 |                             |                             |         |
| Record of Tickets Issued   |   |                                 |                             |                             |         |
| <b>Accounts</b>  |   |                                 |                             |                             |         |
| Accounts giving information sufficient to comply with legislation (Transaction Records, Quarterly Reports & Receipt Books etc) | 2 Yrs   | 2 Yrs                           | 6 Yrs                       | No                          | No      |
| Annual Financial Statements  | 2 Yrs   | 2 Yrs                           | 6 Yrs                       | No                          | 6 Yrs   |
| Paid Invoices & Cheques  | 2 Yrs   | 2 Yrs                           | 6 Yrs                       | 6 Yrs                       | No      |
| Petty Cash, Postage & Telephone Records  | 2 Yrs   | 2 Yrs                           | 6 Yrs                       | 6 Yrs                       | No      |
| Investments Records  | Up to and including expiry date   | Up to and including expiry date | Permanently                 | Permanently                 | No      |

| Files/Contents   | Mode & Period of Retention  |   |   |         |         |
|--|---|---|---|---------|---------|
|  | On-Site   |   | Off-Site  |         | Website |
|  | Paper   | PC/Disc   | Paper   | PC/Disc |         |
| <b>Tax</b>   |   |   |   |         |         |
| Supporting documentation for VAT returns                       | 2 Yrs   | ?   | 6 Yrs   | ?       | No      |
| Supporting documentation for PAYE returns                      | 2 Yrs   | ?   | 6 Yrs   | ?       | No      |
| PAYE related records not required to be sent to Inland Revenue |   |   |   |         |         |
| <b>Banking Records</b>   |   |   |   |         |         |
| Cheques, bills of exchange and other negotiable instruments    | 2 Yrs   | No  | 6 Yrs   | No      | No      |
| Bank statements  | 2 Yrs   | No  | 6 Yrs   | No      | No      |
| Instructions to banks  | 2 Yrs   | No  | 6 Yrs   | No      | No      |
| <b>Councillors' Records</b>                                    |   |   |   |         |         |
| Allowance Register   | 1 Yr  | No  | 6 Yrs   | No      | No      |
| Register of Interests  | 6 Yrs after:<br>▪ Cllr's term of office ends; or<br>▪ Cllr completes new form | 6 Yrs after:<br>▪ Cllr's term of office ends; or<br>▪ Cllr completes new form | 6 Yrs after:<br>▪ Cllr's term of office ends; or<br>▪ Cllr completes new form | No      | Yes     |
| Acceptance of Office Forms                                     | Permanently   | No  | Permanently   | No      | No      |
| <b>Employee Records</b>  |   |   |   |         |         |
| Personal Records   | 1 Yr after employment ends  | No  | 12 Yrs after employment ends  | No      | No      |
| Payrolls/Wages   |   |   |   |         |         |
| P Forms (P45 etc)  |   |   |   |         |         |
| Expense Accounts   |   |   |   |         |         |
| Applications for jobs-where the candidate is unsuccessful      | 1 Yr  | No  | No  | No      | No      |
| Labour Agreements  | 10 Yrs  | No  | No  | No      | No      |
| Sickness Records   | 3 Yrs after Tax Yr end  | No  | 6 Yrs after Tax Yr end  | No      | No      |
| Accident Book  | 3 Yrs after last entry  | No  | 6 Yrs after last entry  | No      | No      |
| Health & Safety Records  | 3 Yrs   | No  | 6 Yrs   | No      | No      |
| Leave Records  |   |   |   |         |         |
| Time-Keeping Records   |   |   |   |         |         |

| Files/Contents  | Mode & Period of Retention   |             |                   |         |                |
|---|--|-------------|-------------------|---------|----------------|
|   | On-Site  |             | Off-Site          |         | Website        |
|   | Paper  | PC/Disc     | Paper             | PC/Disc |                |
| <b>Insurance</b>  |  |             |                   |         |                |
| Policies  | 3 Yrs after lapse  | No          | No                | No      | No             |
| Record of Current Policies  | No   | Permanent   | No                | No      | No             |
| Claims Correspondence   | 3 Yrs  | No          | Permanently       | No      | No             |
| Employer's Liability Insurance Certificate  | 40 Yrs (Photocopy)   | No          | 40 Yrs (Original) | No      | No             |
| Accident Reports and relevant correspondence  | 3 Yrs  | No          | 6 Yrs             | No      | No             |
| <b>Donations &amp; Subscription Records</b>   |  |             |                   |         |                |
| Donations given & related correspondence  | 6 Yrs  | 6 Yrs       | No                | No      | No             |
| Deeds of Covenant   | 6 Yrs  | No          | 12 Yrs            | No      | No             |
| Subscription records  | 3 Yrs  | 3 Yrs       | No                | No      | No             |
| <b>Cemetery Records</b>   |  |             |                   |         |                |
| Regulations   | Latest Version   | 2 Versions  | No                | No      | Latest Version |
| Burial Records & Associated Documents<br><ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of Burials</li> <li>• Register of Purchased Graves</li> <li>• Register/plan of Grave Spaces</li> <li>• Register of Memorials</li> <li>• Applications for Interment</li> <li>• Applications for Right to Erect Memorials</li> <li>• Disposal Certificates</li> <li>• Copy Certificates of Grant of Exclusive Right of Burial</li> </ul> | 3 Yrs  | No          | Permanently       | No      | No             |
| <b>Planning Applications &amp; Associated Documents</b>   |  |             |                   |         |                |
| Major Developments  | 6 Yrs  | No          | No                | No      | No             |
| Private Applications (Rejected by Planning Authority)   | 6 Yrs  |             |                   |         |                |
| Appeal Decision relating to rejected Private Applications   | Permanently  |             |                   |         |                |
| Private Applications (Approved by Planning Authority) + documents relating to Successful Appeal Decisions<br><ul style="list-style-type: none"> <li>• Plans</li> <li>• FTC's Comments &amp; Planning Authority's Decision)</li> </ul>   | <ul style="list-style-type: none"> <li>• 2 Yrs</li> <li>• 6 Yrs</li> </ul> |             |                   |         |                |
| Copies of Structure Plans, Local Plans and similar documents  | Till expiry  | Till expiry | No                | No      | Yes            |

| Files/Contents   |   | Mode & Period of Retention |                                  |                            |          |  |
|--|---|----------------------------|----------------------------------|----------------------------|----------|--|
|  |   | On-Site                    |                                  | Off-Site                   |          | Website  |
|  |   | Paper                      | PC/Disc                          | Paper                      | PC/Disc  |  |
| <b>Publications</b>  |   |                            |                                  |                            |          |  |
| The Frodsham Post 'The Bee'  | A COPY MUST BE DEPOSITED WITH THE BRITISH LIBRARY BOARD | 2 Yrs                      | No                               | Permanently                | No       | Yes  |
| Town Guide   |   | Current Stocks             | No                               | Historical Copies          | No       | No   |
| Walk Books   |   | Current Stocks             | No                               | Historical Copies          | No       | No   |
| Leaflets   |   | Till Expiry                | Till Expiry                      | As Req'd                   | As Req'd | As Req'd                                       |
| Maps   |   |                            |                                  |                            |          |  |
| Plans  |   |                            |                                  |                            |          |  |
| <b>Meetings Records</b>  |   |                            |                                  |                            |          |  |
| Agendas  |   | 3 Months                   | 3 Months                         | No                         | No       | 1 Month  |
| Minutes of Meetings  |   | 6 Yrs (Ring Binders)       | Permanently                      | Permanently (Minute Books) | No       | 6 Yrs  |
| <b>Foundation Documents</b>  |   |                            |                                  |                            |          |  |
| Aims & Objectives, Standing Orders and Tasks List  |   | Latest Version             | 2 Versions                       | No                         | No       | Latest Version                                 |
| Policy & Strategy Documents  |   |                            |                                  |                            |          |  |
| Procedures and Rules & Regulations   |   |                            |                                  |                            |          |  |
| Forms (Masters)  |   | Latest Version             | Latest Version                   | No                         | No       | Latest Version (Relevant Docs only)            |
| Lists of Fees & Charges  |   | Latest Version             | Latest version                   | 5 Yrs                      | 5 Yrs    |  |
| Lists of Publications  |   | Latest Version             | Latest Version                   |                            |          |  |
| Maps   |   | Latest Version             | Latest Version (Where available) | No                         | No       | Latest Version (Relevant Maps where available) |
| <b>Legislation &amp; Guidance</b>  |   |                            |                                  |                            |          |  |
| Copies of Acts, Statutory Instruments, Directives, Guidance Notes etc                      |   | Latest Version             | Latest Version                   | No                         | No       | No   |
| <b>External Policy &amp; Strategy Documents and Plans &amp; Reports</b>                    |   |                            |                                  |                            |          |  |
| File for each organisation (CCG, VRBC, CWaC, FF, FCA, LF, Police, Airports, Railways etc). |   | Latest Version             | Latest Version (Where available) | No                         | No       | No   |

| Files/Contents                                 | Mode & Period of Retention |                                     |                               |         |         |
|--|----------------------------|-------------------------------------|-------------------------------|---------|---------|
|  | On-Site                    |                                     | Off-Site                      |         | Website |
|  | Paper                      | PC/Disc                             | Paper                         | PC/Disc |         |
| <b>External Meetings (CCC, VRBC, CWaC etc)</b> |                            |                                     |                               |         |         |
| Agendas  | Latest                     | 3 Months                            | No                            | No      | No      |
| Minutes  | 2 Yrs                      | 6 Yrs                               | No                            | No      | No      |
| <b>Brochures, Price Lists</b>                  | Latest Version             | Latest Version<br>(Where available) | No                            | No      | No      |
| <b>Documents Relating to Charitable Trusts</b> |                            |                                     |                               |         |         |
| Trust Deed (Original or Certified Copy)        | Permanently (copy)         | No                                  | Permanently<br>(Original)     | No      | No      |
| Copy of Application for Incorporation          | Permanently                | No                                  | Permanently                   | No      | No      |
| Agendas for Meetings                           | 3 Meetings                 | 3 Meetings                          | No                            | No      | 1 Month |
| Minutes of Meetings                            | 6 Yrs (Ring Binders)       | Permanently                         | Permanently<br>(Minute Books) | No      | 6 Yrs   |
| Correspondence & other related documents       | 6 Yrs                      | No                                  | Permanently                   | No      | No      |