

Wem Town Council Document Retention and Disposal Policy

Review Annually last Review 15.5.25

1. Introduction

A record is any information held by the Council that relates to its work — including topics, areas of activity, decisions made, actions taken, or individuals. Records can be in any format, including paper and electronic.

The Council recognises that:

- Records are a valuable shared resource.
- Information must be stored securely and disposed of properly.

2. Responsibility

The Town Clerk is responsible for implementing this policy and ensuring that all staff comply with it.

3. Policy Statement

The Council's policy on managing records is as follows:

- Information (paper and electronic) will be kept for at least the period specified in the Record Disposal Schedule (see Section 6).
- Before destroying any record, it must be reviewed to determine whether there are any special circumstances requiring it to be kept longer (e.g. ongoing legal matters, complaints, or grievances).
- Records must be securely destroyed or deleted once the retention period has ended.
- Paper records must be disposed of in line with the procedures set out in the Record Disposal Schedule.

4. Legal Retention Periods

Certain records must be kept for legal reasons. The Limitation Acts, particularly the Limitation Act 1980, set out how long certain types of legal claims can be brought. The table below shows these time limits:

Category	Limitation Period
Negligence and other civil claims (Torts)	6 years
Defamation	1 year
Breach of contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
Recovery of land	12 years
Rent	6 years
Breach of trust	No time limit

5. Secure Disposal

When records reach the end of their retention period, they must be securely destroyed to protect any personal or sensitive information.

- Paper records must be shredded or disposed of using a confidential waste service.
- Electronic records must be permanently deleted from all storage systems, including backups where applicable.
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6. Record Disposal Schedule

Given the limited space to keep such documents it is necessary to review the Council's Policy on retention of its records and documents. Set out below are the time periods that different types of business and employment records must be retained for. The retention periods are based on business needs and legal requirements. *In the absence of such guidance, it shall be the responsibility of the Town Clerk to determine a suitable retention period.*

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
COUNCIL MANAGEMENT		
Minutes	Indefinitely	Archive
Agendas & meeting documentation	12 Years	Statute of Limitations
Declarations of Acceptance of Office	Indefinitely	Management, Archive
Register of Members Interest	6 Years or as long as the Councillor remains in office (whichever is the greater)	Audit, Tax, VAT
Council Standing Orders, Policies & Procedures	Whilst the documents remain in force	Management
Council Newsletters, Precept Sheets & Annual Reports	Indefinitely	Management, Archive
Personnel Information	6 Years after individual ceases to be an employee	Statute of Limitations
Assets	Indefinitely	Management
Title Deeds	Indefinitely	Management
S106 Agreements	Indefinitely	Management
Freedom of Information	10 years	Management

Pension	12 years after cessation of benefit payable	Audit, Management
Events	12 years	Management
Accident Reports	Indefinitely	Management
Vehicle Log Books	Life of Vehicle	Management
COUNCIL FINANCES		
Cash Book Accounts, Sales & Purchase Ledgers	Indefinitely	Management
Title Deeds, Leases, Agreements & Contracts	Indefinitely	Audit, Management
Investments	Indefinitely	Audit, Management
Audited Accounts	Indefinitely	Audit, Management
Precept Requests	Indefinitely	Audit, Management
Quotations & Tenders	12 years	Statute of Limitations
Wages Books	12 years	Superannuation
Receipt Books	6 Years	VAT
Paid Invoices	6 Years	VAT
VAT Records	6 Years	VAT
Petty Cash Records	6 Years	Tax, VAT, Statute of Limitations
Members Allowance Register	6 Years	Tax, Audit, Management, Statute of Limitations
Scales of Fees & Charges	5 Years	Management
Bank Statements	Last completed audit year	Audit
Bank Paying-in Books	Last completed audit year	Audit
Cheque Book Stubs	Last completed audit year	Audit
Timesheets	Last completed audit year	Audit
Insurance Policies	While Valid	Management
Certificates for insurance against liability for employees	40 years from date in which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI2753), Management

Insurance Policies, Insurance Claims & Health & Safety Records	3 Years after the policy lapses	Management
Budget	6 years	Audit, Management
Grants	6 years	Audit, Management
HMRC	6 years	Audit, Management
Internal Audit	Retain current, plus previous year	Audit, Management
ALLOTMENTS		
Allotments Plan	Indefinitely	Audit, Management
Allotment Register	Indefinitely	Audit, Management
Allotment Tenancy Agreements	Throughout the period of tenancy & 6 Years following	Audit, Management, Statute of Limitations
Allotment Tenancy Correspondence	Throughout the period of tenancy	Audit, Management
RISK ASSESSMENTS		
Weekly Inspection Logs	12 Years	Statute of Limitations
Annual Inspection Logs	12 Years	Statute of Limitations
Risk Assessments	12 Years	Statute of Limitations
PLANNING & CONSERVATION		
Planning Register	Indefinitely	Management
Planning Applications, related correspondence & Notices of Decision (General)	6 months	Management
Planning Applications, related correspondence & Notices of Decision (Strategic/Historical)	5 Years	Management
Tree Pruning/Felling Applications	6 Year	Management
Tree Preservation Orders	Indefinitely	Management
Road Traffic Orders	Whilst the order remains in force or 1 Year which ever is the greater	Management
Planning Policy Guidance/Statements, Regional Plans, Structure Plans, Local Plans,	Whilst the documents remain in force	Management

Community Plans & similar documents		
Definitive Maps, Planning Maps, Public Rights of Way Maps, Conservation Area Maps & similar documents	Indefinitely	Management, Archive
Listed Building Register	Indefinitely	Archive
PUBLICATIONS		
Journals & Periodicals	3 Years (or retained as long as is useful & relevant)	Management
Catalogues	Max 1 Year	Management
CIVIC/MAYORAL ACTIVITIES		
Civic Diaries/Events List	Indefinitely	Audit, Tax, Vat, Management, Archive
Civic Correspondence	6 Years	Audit, Tax, Vat, Management, Archive
Mayoral List	Indefinitely	Management, Archive
Mayoral Photographs	Indefinitely	Management, Archive
Freedom of Wem	Indefinitely	Management
GENERAL CORRESPONDENCE		
General Correspondence (on non-historic importance)	Destroyed annually if no longer of use or value	Management
General Correspondence (historic importance)	Offered to the County Archivist if no longer of use or value	Archive
EMPLOYMENT RECORDS		
Rejected job applicant records, including: contact details application letters or forms CVs references certificates of good conduct interview notes	6 months after applicant is notified of rejection Application forms should give applicants the opportunity to object to their details being retained	ICO Employment Practices Code para 1.7 Equality Act 2010, s 123

assessment and psychological test results		
<p>Application records of successful candidates, including:</p> <ul style="list-style-type: none"> application letters or forms copies of academic and other training received references correspondence concerning employment CVs interview notes and evaluation forms assessment and results 	6 years after employment ceases	Limitation Act 1980 (LA 1980), s 5
<p>Criminal records information:</p> <ul style="list-style-type: none"> criminal records requirement assessments for a particular post criminal records information forms the Disclosure and Barring Service (DBS) check forms DBS certificates 	<p>Criminal records requirement assessments for a particular post—12 months after the assessment was last used</p> <p>All other information in this category—as soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not) unless, in exceptional circumstances, the Town Clerk assesses that it is clearly relevant to the ongoing employment relationship</p>	<p>DBS guidance for employers: Duration of criminal record check validity</p> <p>ICO Employment Practices Code Nov 2011, part 1.7.4</p>
<p>Employment contracts, including:</p> <ul style="list-style-type: none"> personnel and training records written particulars of employment changes to terms and conditions 	6 years after employment ceases, unless document executed as a deed, in which case 12 years after employment ceases	LA 1980, ss 5, 8
Copies of identification documents (eg passports)	Not less than 2 years from date of termination of employment	Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1)(b)

Identification documents of foreign nationals (including right to work)	Not less than 2 years from date of termination of employment	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)
Records concerning a temporary worker	6 years after employment ceases	LA 1980, s 5
Employee performance records, including: appraisals and evaluations	6 years after employment ceases	LA 1980, s 5
Redundancy records	6 years from date of redundancy	LA 1980, s 5
Parental leave records	6 years after the end of each tax year	LA 1980, s 5
Sickness records	6 years after the end of each tax year	LA 1980, s 5
Records of return to work meetings following sickness, maternity etc	6 years the end of each tax year	LA 1980, s 5
PAYROLL AND SALARY RECORDS		
Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses	6 years	Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21
Pay As You Earn (PAYE) records, including: calculations of the PAYE income of employees and relevant payments	3 years	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97
Income tax and NI returns, income tax records and correspondence with HMRC	3 years after the end of the financial year to which they relate	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55
Records demonstrating compliance with national minimum wage requirements	3 years beginning with the day upon which the pay reference period immediately following that to which they relate ends	National Minimum Wage Regulations 2015, SI 2015/621, reg 59
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	6 years (but general time limit under the TMA 1970 is reducing to four years from 1 April 2012)	Taxes Management Act 1970
Employee income tax and national insurance returns and associated HMRC correspondence	3 years from end of tax year to which they relate	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97

Statutory sick pay (SSP) records	3 years after the end of the tax year to which they relate	<p>The requirement to maintain SSP records for 3 years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain, or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid.</p> <p>The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)</p>
Wage or salary records (including overtime, bonuses and expenses)	6 years	Taxes Management Act 1970, s 43
Records relating to hours worked and payments made to workers	3 years	<p>National Wage Act 1998, s 9</p> <p>The National Wage Regulations 1999, reg 38</p>
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	3 years after the end of the tax year in which the period of statutory pay ends	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26
HEALTH AND SAFETY RECORDS		
<p>Records of reportable injuries, diseases or dangerous occurrences</p> <p>reportable incidents</p> <p>reportable diagnoses</p> <p>injury arising out of accident at work (including accident book)</p>	3 years from date of the entry	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, reg 12
Lists or register of employees who have been exposed to asbestos dust, including health records of each employee	40 years from the date of the last entry made in the record	Control of Asbestos Regulations 2012, SI 2012/63, reg 22(1)

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record	The Control of Substances Hazardous to Health Regulations 2002 (COSHH 2002), SI 2002/2677, reg 11
Records of monitoring of exposures to hazardous substances (where exposure monitoring is required under COSHH)	Where the record is representative of the personal exposures of identifiable employee—40 years from the date of the last entry made in the record Otherwise, five years from the date of the last entry made in the record	COSHH 2002, reg 10(5)
Records of tests and examinations of control systems and protective equipment under COSHH	Five years from the date on which the record was made	COSHH 2002, reg 9
CEMETERY		
Register of fees collected Register of burials Register of purchased graves Register/ plan of grave spaces Register of memorials Applications for interment Application for right to erect memorials Disposal certificates Copy of Exclusive right of Burial Certificates	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI.204)
CCTV		
Review requests	3 years	Data Protection
Discs	For as long as required	Data protection
Photographs/ digital prints	31 days	Data protection
Msc		
Community Car requests	Retain personal data for 1 month following request	Management
Store Cupboard / Foodbank support requests	2 years	Management
Local connection Applications	3 years	Management

Record Disposal

The Council should only keep the records it needs to operate effectively. Duplicate or unnecessary records should be removed to save space, time, and costs. Keeping fewer records also makes it easier to find important information.

Where appropriate, paper records can be scanned and stored electronically. The original paper versions can then be securely destroyed. This is in line with Section 229 of the Local Government Act 1972, which allows councils to keep photographic or digital copies instead of paper originals. All records that are no longer needed must be securely destroyed to protect any confidential information.

If a record is no longer needed for day-to-day use but may have historical value, it should be reviewed with the County Archivist to see if it should be preserved in an archive.

Under the Freedom of Information (FOI) Act, it is a criminal offence to alter or destroy a record once it becomes part of an FOI request. If a record marked for disposal is included in an FOI request — even if the request is later refused — it must not be destroyed until the information has been provided and all review or appeal steps have been completed.