

ADVICE NOTE: Retaining Important Documents

The time that you are required to keep documents will depend on what the document is and how much space you have.

Legal Documents

Minute books and burial records need to be kept forever. These are legal documents and must not be destroyed. Your County Council can archive them for you, but it is usually a good idea to keep more recent Minute books with you in case you need to refer to them. Also you may need to refer back to old burial books on a regular basis.

Deeds, leases etc also need to be kept whilst the council owns or occupies the property / land. It is best to keep these in a strong box at the bank with copies in the office. It is also worth keeping correspondence relating to land/buildings the Council owns for as long it remains in the council's ownership.

Inland Revenue and VAT

If a pension is payable salaries details should be kept until two years after the former employee dies. Otherwise Inland Revenue and VAT papers should be kept for 6 years as a minimum. But, as a council would normally expect to have a VAT inspection once every ten years, it is probably sensible to keep VAT papers from one inspection to the next.

Annual returns and statements of accounts should be kept indefinitely. Although background papers need not be kept, it is suggested Audit papers are kept for five years.

As regards insurance documents, there is no longer a legal requirement to keep out-of-date Certificates of Employers Liability for 40 years, but councils should keep as complete a record as possible of its Employers Liability Insurance and retaining these Certificates may be a sensible precaution notwithstanding the change in the law. Public Liability Insurance policies and receipts for premiums (and certificates if issued) should be retained for 21 years.

Planning Applications

There is no requirement to keep Planning documents referred to the council as consultee, but for your own ease of reference you may like to keep them for two or three years if you have space. It is sensible to keep copies of controversial plans for longer than that. If the public want to refer to old applications you can refer them to the Planning Authority. Planning applications and grants of permission for council property should be kept indefinitely.

Contract Documents and Related Receipts etc

It is sensible to retain these for at least six years after the end of the contract term so that they are available should a claim under the contract be brought within that period. Keeping them for seven years will be enough.

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Handwritten Notes from Meetings etc

Any jottings or handwritten notes which are simply intended as a personal aide memoire should be destroyed immediately after they have served their purpose. If this is not done, there is a risk that they may be the subject of a Freedom of Information Act request and may have to be disclosed.

Audio and Video Recordings

These can be treated in exactly the same way as transcripts.

Computer Hard Drives etc

Data on PC and laptop computers is usually retained until the computer reaches the end of its useful life. When you come to dispose of an old computer you need to decide whether or not to copy the data from the old computer to the new one. Either way it is important to destroy the hard drive of the old computer to prevent the council's data falling into the wrong hands.

Other Material

It is a matter of judgement how long you keep other material. Some material may be of historical interest and it may be worth keeping a box with papers relating to things such as the Millennium Celebrations or a visit from a VIP. Your local library might be willing to store such material.

All other material should be reviewed every couple of years and a decision made as to whether or not it is worth keeping. But remember that if there is a controversial issue that just keeps rumbling on you should keep hold of papers.

Storing Documents

Archived material is only useful if you know what you have got so it should be boxed, labelled and stored away somewhere where it will not become a fire hazard. It is sensible to keep a detailed record of what is in each box.

In some cases you may not need to keep the original document and a photographic copy may suffice, but you do need to have sufficient evidence should the document ever be the subject of a legal challenge or dispute.

Further information

Local Government Act 1972, sections 225 – 229, section 234
SLCC Clerks' Manual: Storing Books and Documents