

NEWBALD PARISH COUNCIL

MINUTES OF THE MEETING OF THE FINANCE & COMPLIANCE COMMITTEE HELD AT THE CHURCH ROOMS ON 21 JULY 2014 AT 6.45PM

Present: Councillors G. Steward (acting Chairman), B. O’Sullivan, P. Weatherstone
Suzanne Smith (Clerk to the Council)

1	<p>PUBLIC FORUM</p> <p>None</p>	
2	<p>APOLOGIES FOR ABSENCE</p> <p>Cllr. Waite – family commitments</p>	
3	<p>DECLARATIONS OF INTEREST IN ACCORDANCE WITH THE CODE OF CONDUCT</p> <p>3.1 Declarations of Interest - None</p> <p>3.2 Dispensations - None</p>	
4	<p>POLICY ON THE RETENTION OF DOCUMENTS AND RECORDS</p> <p>The Clerk tabled a draft policy on the Retention of Documents and Records.</p> <p><i>Resolved:</i> that the policy as tabled by the Clerk is adopted by the Council. See Appendix 1.</p>	
5	<p>CHARITY OF CHARLES STATHER</p> <p>The Clerk said that she had received a letter stating that, as the Charity of Charles Stather is no longer operational, it is no longer able to participate in the fund in which it is invested. She was still waiting to hear what would happen to the money, given that it is no longer registered as a charity. This may take some time.</p> <p>Meanwhile, she drew attention to two Yorkshire Building Society books in the names of Stather and Gills and said that she was unable to obtain any information about them as she was not named on the accounts.</p> <p>The Council needs to decide what to do with these sources of money.</p> <p><i>Recommended:</i> that legal advice be obtained to find out what the Council’s options are with regards to the money</p>	

	<p>Resolved: that Denise Hatfield, a named person on the Charities' accounts, is approached to see if she can find out any more information on the Yorkshire Building Society accounts.</p>	
6	<p>EMAIL MANAGEMENT SOFTWARE</p> <p>Given that NPC now had about 150 email addresses, the Clerk asked that it considers paying for email management software so that communications with the list could be carried out more professionally.</p> <p>Recommended: that NPC should purchase the software at the cost of about £10 per month. Clerk to determine which software and make the arrangements.</p>	
7	<p>BINDING OF MINUTES</p> <p>The Clerk reported that there is five years' worth of minutes that could do with binding into a proper book for safe keeping.</p> <p>She said that the cost for doing this would be £186 + £15 delivery.</p> <p>Recommended: that NPC arranges for the minutes to be bound.</p>	
8	<p>ITEM RAISED UNDER EMERGENCY PROCEDURE – CEMETERY APPROVAL</p> <p>The Clerk said that Rotherhams had asked for the Council's approval for a tablet stone in a desk shape, which would be raised off the ground and sloping.</p> <p>Resolved:</p> <ol style="list-style-type: none"> i. that NPC gives permission for the tablet to be positioned in the cemetery ii. this use of the emergency procedure will be approved by virtue of Full Council approving these minutes on 11 August 2014. 	

Meeting finished at 7.30pm

APPENDIX 1**NEWBALD PARISH COUNCIL****POLICY ON THE RETENTION OF DOCUMENTS & RECORDS****Introduction**

A record is any information held by the Council and relating to any topic, area of work, decision reached, action taken or individual and regardless of the medium in which it is held whether in paper or electronic format.

The Council recognises that:

- Records are a corporate resource and a valuable asset
- Information has to be looked after properly
- A co-ordinated approach has to be taken to its management.

S227(1) Local Government Act 1972 requires the Parish Council to provide a proper repository for its records. The Act also allows for Parish Council records to be stored in a central repository operated by the District Council (The Treasure House). As such the Council accepts that it has a responsibility to ensure that records are:

- Created accurately
- Stored effectively
- Kept securely
- Traced efficiently
- Retained in their original form if required for the purpose of legal proceedings
- Retained only for as long as necessary disposed of appropriately

Responsibility for all records throughout their lifetime (from creation to disposal) shall rest with the Proper Officer of the Council.

Legislation now in place on information handling means that there is a need to manage information and to have an effective system for servicing the enhanced rights of access under the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOA). Reference should be made to the Council's Data Protection Policy, Freedom of Information Policy & Publication Scheme. Reference should also be made to the Lord Chancellor's Code of practice on the Management of Records pursuant to s46 Freedom of Information Act 2000 (Issued November 2002).

Policy Statement

The Council's policy is to:

- Manage its records in a systematic and planned way to prevent or at least to minimise potential risks
- Ensure that it can control the quantity and quality of information generated from the time a record is created until its ultimate disposal
- Maintain information in a manner that effectively services its needs and those of its stakeholders
- Dispose of the information appropriately when it is no longer required
- Satisfy the provisions of the Code of Practice on the Management of Records issued under S46 FOI

Retention of documents for legal purposes

Most legal proceedings are governed by 'the Limitation Acts'. The Acts (notably the Limitation Act 1980) state 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.

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

Cognisance must be taken on the duty of the Council and in particular its Proper Officer to retain certain information, for certain purposes and for certain periods of time.

Record Maintenance

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 minimum retention periods for which various types of records must be kept. These reflect statutory requirements, codes of practice and recommendations published by professional and other bodies. *In the absence of such guidance, it shall be the responsibility of the 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
Personnel Information	6 Years after individual ceases to be an employee	Statute of Limitations
Council Newsletters & Annual Reports	Indefinitely	Management, Archive
Council Finances		
Receipt & Payment Accounts	Indefinitely	Management
Title Deeds, Leases, Agreements & Contracts	Indefinitely	Audit, Management
Investments	Indefinitely	Audit, Management
Audit Returns	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
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
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
Planning & Conservation		
Planning Register	Indefinitely	Management
Planning Applications, related correspondence & Notices of Decision (General)	Until the planning application process is complete	Management
Planning Applications, related correspondence & Notices of Decision (Strategic/Historical)	5 Years	Management
Tree Pruning/Felling Applications	1 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, Community Plans & similar documents	Whilst the documents remain in force	Management
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	1 Year	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

Record Disposal

The minimum volume of records consistent with effective and efficient operations should be retained. Unnecessary and duplicated records should be eliminated so saving storage costs as well as cost in terms of staff, time and equipment. Holding fewer records frees up both physical and computerised filing systems and makes valuable information easier to find. Greater use should be made of the Council's powers under S229 Local Government Act 1972 which allows for any requirement posed by statute on a Local Authority to keep a document is satisfied by keeping a photographic copy; interpreting this legislation in a modern day context, paper records can now be scanned and electronically archived and the original disposed of.

Records designated as no longer required must be securely disposed of to preserve confidentiality.

Any records designated as no-longer required but considered to have historical significance shall be the subject of consultation with the County Archivist at the Treasure House and shall be kept in an archival institution if expert guidance considers such action appropriate.

Under the FOI, it is a criminal offence to tamper with any file once a FOI request has been made. If any documents which would require disposal under the above guidelines is the subject of an FOI request must be delayed even if the request has been refused, until the information has been disclosed and all appeal times/procedures have been exhausted.

This Policy will:

- Be publicised to staff and made available for reference
- Apply to all the Council's records regardless of how they are held
- Be reviewed every two years, amended and reissued as necessary and members and staff notified accordingly
- Operate in conjunction with Council's existing policies on Data Protection and Freedom of Information.

This Policy was adopted by Newbald Parish Council at the meeting of its Finance & Compliance Committee held on Monday 21 July 2014.

Signed

Councillor Chris Waite
Chairman

Suzanne Smith
Parish Clerk