



**MINUTES of
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

PRESENT

Chairman	Councillor R H Siddall
Vice-Chairman	Councillor C Swain
Councillors	Mrs P A Channer, CC, M F L Durham, CC, M R Edwards, M W Helm, K M H Lagan, N J Skeens, W Stamp, Mrs M E Thompson and Miss S White
In attendance	Councillor C Mayes and C Morris

87. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this remote meeting of the Strategy and Resources Committee, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

88. APOLOGIES FOR ABSENCE

There were none.

89. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council advising that there were various items pertaining to that authority on the agenda. He also declared an other pecuniary interest in relation to Agenda Item 7 – Approval to Consult on the Draft Lists of Local Heritage Assets for the Parishes of St. Lawrence, Woodham Walter, Langford and Ulting as his parents owned one of the properties listed, and advised that this was not a pecuniary interest.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were referred to in a number of reports and may be involved in a number of items on the agenda.

At this point Councillor W Stamp advised that Councillor N Skeens would be joining the meeting a little later.

90. PUBLIC PARTICIPATION

No requests had been received.

91. IT POLICIES

The Committee considered the report of the Director of Strategy, Performance and Governance, updating the following policies and seeking their adoption. It was noted that the introduction of these policies would provide clear policy requirements as well as meeting the requirements of a recent internal network security audit recommendation.

- ICT Acceptable Use (attached as Appendix 1 to the report);
- Email and Communications (Appendix 2 to the report);
- Information Security (Appendix 3 to the report).

The Lead Specialist: ICT Infrastructure advised that since the Strategy and Resources Committee meeting in October Officers had revised the ICT Acceptable Use and Email & Communications Policies to include additional statements regarding Members.

The Chairman moved the recommendations as set out in the report. This was duly seconded.

It was noted that this should be a recommendation to the Council for approval of the policies.

During the discussion that ensued, the Senior Specialist: Legal provided further guidance in response to queries raised regarding the policies proposed. It was agreed that the following amendments would be made to both the Email and Communications and ICT Acceptable Use policies:

- Email and Communications Policy: Add to the end of the paragraph ‘Human Rights Act 1988’ on page 4 of this document “Emails are only accessed where this legal justification can be met”.
- ICT Acceptable Use Policy: Add to the paragraph ‘Monitoring’ on page 2 of this document “An individual will be advised of any access to their emails within 20 working days, except in circumstance where this would prejudice the grounds on which access was granted.”

RECOMMENDED that subject to the above amendments, the following policies which set out the security requirements that all staff and Members must adhere to when using Maldon IT systems to ensure data security and appropriate use, be reviewed and agreed:

- ICT Acceptable Use (attached as **APPENDIX 1** to these Minutes);
- Email and Communications (**APPENDIX 2** to these Minutes);
- Information Security (**APPENDIX 3** to these Minutes).

Councillor N J Skeens joined the meeting during this item of business.

92. PLANNING ENFORCEMENT

The Committee considered the report of the Director of Service Delivery seeking adoption of a new Planning Enforcement Policy (attached as Appendix 2 to the report).

It was noted that following a question raised at the Council meeting on 16 July 2020, a meeting with the Leader of the Council, Area Planning Committee Chairman Councillor M S Heard and Officers had taken place to discuss the backlog of enforcement cases. At this meeting it had been agreed that Officers would look at bringing forward options and methods to reduce the backlog, including a review of the current Enforcement Policy (attached as Appendix 1 to the report).

Background information regarding planning enforcement was set out in the report along with the alterations proposed to the Enforcement Policy following its review. Members were advised it was anticipated that adoption of the new policy would improve the level of service provided. However in order to meet the targets within the new policy additional staffing resource was required and this had been requested as part of the 2021 / 22 Budget Cycle growth report considered by this Committee on 19 November 2020. It was noted that this would form part of the budget considered by the Council in February 2021.

The Chairman proposed that the recommendations set out in the report be agreed. This was duly seconded.

A lengthy debate ensued. In response to a number of questions and comments the following information was provided:

- Ward Members were consulted prior to enforcement notices being served. The Lead Specialist Place advised he was happy to provide details of number of enforcement notices served in a Ward for Members.
- It was noted that the flow chart detailed in Appendix 1 related to current policy and the revised policy (Appendix 2) did not contain this.
- Most enforcement cases were confidential in order to protect individuals;
- If a complaint had been raised by a Parish Council, Officers would provide the Parish Council with an update on progress.
- Although it had been agreed that the Area Planning Committees would not receive regular enforcement reports it was noted that the Chairman of an Area Planning Committee could call a special meeting to discuss planning enforcement, if it was felt appropriate.

In response to a comment made by another Member Councillor C Swain referred to the need for a regular enforcement report. He proposed that quarterly enforcement reports be made to the Performance, Governance and Audit Committee (PGA), detailing the category of the complaint and the nature of the Council's response. This proposal was duly seconded. In response, the Lead Specialist Place raised some concern regarding what information the report would provide. Following further discussion, the seconder for Councillor Swain's proposal withdrew their support. It was agreed that Councillor Swain would contact the Chairman of the PGA outside of this meeting to suggest that it may be something they wish to bring forward.

The Chairman then put the recommendations as set out in the report and upon a vote being taken these were agreed.

RESOLVED

- (i) That the inclusion within the 2021 / 22 Budget Cycle growth requests the provision of additional staffing resources, be noted.

RECOMMENDED

- (ii) That the Planning Enforcement Policy (attached as **APPENDIX 4** to these Minutes) be adopted.

93. APPROVAL TO CONSULT ON THE DRAFT LISTS OF LOCAL HERITAGE ASSETS FOR THE PARISHES OF ST. LAWRENCE, WOODHAM WALTER, LANGFORD AND ULTING

The Committee considered the report of the Director of Service Delivery seeking approval to consult the Draft Lists of Local Heritage Assets for the Parishes of St. Lawrence, Woodham Walter, Langford and Ulting (attached as Appendix 1 to the report).

The report advised of the Planning Practice Guidance which encouraged Local Planning Authorities to identify ‘non-designated heritage assets’ against consistent criteria. Background information regarding the compilation of these local lists was detailed along with the process if they were approved for public consultation. It was noted following consultation the local lists would be presented to this Committee for adoption and subsequent publication on the Council’s website.

The Committee received a presentation from the Specialist: Conservation and Heritage outlining the work that had been undertaken in compiling the draft Lists of Local Heritage Assets. A number of Members expressed their thanks to the Officer for his excellent work.

In response to a question regarding Burnham-on-Crouch the Officer advised that the Local List of Local Heritage Assets for this town were currently in draft and was next on the list to progress.

The Chairman put the recommendation as set out in the report. This was duly seconded and agreed by assent.

RESOLVED that the Draft Lists of Local Heritage Assets for the Parishes of St. Lawrence, Woodham Walter, Langford and Ulting be approved for public consultation.

Councillor C Mayes left the meeting during this item of business.

94. **NORTH QUAY DEVELOPMENT BRIEF SUPPLEMENTARY PLANNING DOCUMENT**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking adoption of the North Quay Development Brief (a background paper to the report) as a Supplementary Planning Document (SPD) following public consultation.

The report set out the process that had been followed in the creation of this SPD and the recent public consultation exercise that had taken place. It was noted that the consultation statement was attached at Appendix A to the report and the Strategic Environmental Assessment and Habitat Regulation Assessment Screening Opinion Environmental Report at Appendix B.

The Strategy Theme Lead: Place presented the report, detailed the result of the public consultation and amendments proposed. It was noted that a summary of the consultation responses was set out in the report.

The Chairman thanked the Officer for her detailed report and work on the Development Brief and then moved the recommendation as set out in the report. This was duly seconded.

In response to questions raised the following information was provided:

- Quayside Walk – This was an aspiration on the North Quay but could not be achieved due to current land ownership.
- Parking - It was noted that existing retail areas provided car parking and any new development coming forward would have to meet adopted parking standards.
- Causeway Flood Risk Review – This had been held up due to resource implications that had come about as a result of the COVID-19 pandemic. However, Members were advised that the review had now been received in draft form.

In response to a query, the Director of Strategy, Performance and Governance advised that this Committee should be recommending to the Council that the Development brief be adopted. Considering this the Chairman amended his earlier proposal seeking Members agreement to recommend adoption of the Development Brief to the Council. Upon a vote being taken this was duly agreed.

RECOMMENDED that the North Quay Development Brief be adopted as a Supplementary Planning Document.

95. **PROMENADE PARK GARDEN PLAY SCHEME**

The Committee considered the report of the Director of Service Delivery presenting the revised design for the Play scheme proposed for Promenade Park (attached at Appendix A to the report) for approval, following public consultation. The report also sought Members' approval to progress with procurement of a suitable contractor.

Detailed background information regarding development of the scheme was set out in the report and Appendix B set out the report considered by the Community Services Committee in November 2018. It was noted that a public consultation on the scheme had been undertaken and the results of this was set out in the report. Appendix C to the report provided details of the revisions to the design following the public consultation.

The Chairman moved the recommendations as set out in the report. This was duly seconded. A number of Members commented on the excellent work done by Officers in developing the scheme which was felt would be an asset to Maldon, Promenade Park and the District as a whole. Thanks to those Officers involved were given.

During the debate that ensued a number of questions were raised and the Commercial Manager provided the Committee with the following additional information:

- The Scheme included a number of specific elements for children with access requirements, such as wheelchair swings. Members were advised that Officers hoped to further develop the surrounding area and reference to a sensory area was made. The Commercial Manager agreed to forward details of this to Members.
- Investment for a CCTV (closed-circuit television) camera was proposed and if agreed would cover the proposed area and form part of the live contract the Council had with Chelmsford City Council.
- The funding of this project had come from allocated Section 106 monies (£52,000 approved in 2017 with a ten-year timeframe) and the capital budget (approved in 2018).

In response to a suggestion that the Council could run a competition to seek ideas for the name of the proposed sensory garden, Members were advised that Officers would take this forward.

In response to a question regarding Riverside Park, Burnham-on-Crouch, Members were advised that proposals were in the budget for the next financial year but the details of these had yet to be approved by Members.

The Chairman put the recommendations as set out in the report and these were agreed by assent.

RESOLVED

- (i) That the revised Garden Play area design proposals (attached at Appendices A and C to the report) be agreed;
- (ii) That Officers proceed with procurement of all elements of the play site and associated works based upon this design via existing supplier Framework agreement.

96. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting adjourn for a short comfort break at 19:56.

97. RESUMPTION OF BUSINESS

RESOLVED that the meeting resumed in open session at 20:01.

It was noted that Councillor M W Helm was unable to re-join the meeting due to connection issues.

98. UPDATE ON DISABLED FACILITIES GRANT RELATED ISSUES

The Committee considered the report of the Director of Service Delivery providing an update on the Council's Disabled Facilities Grant (DFG) programme up to Quarter Two (Q2) 2020 / 21.

The report provided background information regarding DFGs and the Council's requirements. It was noted that there were a number of factors affecting service delivery in 2019 / 20 and 2020 /21 which were set out in the report along with a staffing update. Performance for the year 2019 / 20 and Quarter One to Q2 of 2020 / 21 were detailed.

The Chairman put the recommendations as set out in the report. These were duly seconded.

In response to a question regarding DFGs being part of the wider Private Sector Housing objectives the Lead Specialist: Community provided the Committee with further information.

The Chairman then sought assent on the recommendations set out in the report and these were duly agreed (by assent).

RESOLVED

- (i) That the impact of the ongoing COVID-19 issues on service provision be noted;
- (ii) That the status of the Council's Disabled Facilities Grant programme up to Quarter Two (30 October 2020) be noted.

99. DOCUMENT RETENTION POLICY UPDATE

The Committee considered the report of the Director of Service Delivery seeking consideration and adoption (by the Council) of the draft Document Retention Policy (attached as Appendix 1 to the report).

It was noted that whilst the Council's current Document Retention Policy was not scheduled for update until 2028 there was a need for it to be updated to reference the provisions of the General Data Protection Regulations (GDPR). A further change in respect of the retention of Human Resources employment records was also detailed in the report.

The Chairman moved the recommendations as set out in the report. This was duly seconded.

During the debate, some questions were raised and in response the Senior Specialist: Legal provided Members with additional information which included:

- In relation to personal data, the Data Protection Act required that data be destroyed when no longer required. This meant that unless there was a justifiable reason no end date for such data held was required.
- If there were historic documents that Officers felt warranted retention these could be passed onto the Essex Records Office. The Data Protection Officer often provided advice and guidance in respect of historical documents.
- Data Protection training was provided to Officers throughout the year.

Councillor Mrs P A Channer proposed that recommendation (ii) be amended subject to a brief annual report to this Committee reporting on any changes in the retention of documents under the delegated powers. This proposal was duly seconded.

The Chairman moved the proposals in the report with the amendment to recommendation (ii) and this was duly agreed by assent.

RECOMMENDED

- (i) That the Document Retention Policy, attached at **APPENDIX 5** to these Minutes, be approved;
- (ii) That Delegated Authority be given to the Director of Resources, in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Policy subject to an annual report to the Strategy and Resources Committee on any changes made.

100. APPOINTMENT TO OUTSIDE BODIES

The Committee considered the report of the Director of Strategy, Performance and Governance seeking new appointments of representatives for 202 / 21 to Liaison Committees / Panels, as set out in the report.

In response to a question regarding the Maldon Market Member Task and Finish Working Group, the Director of Strategy, Performance and Governance explained that a number of appointed Task and Finish Working Groups were time limited by their nature. In respect of this Working Group he suggested that representatives be appointed and at the next meeting such Working Groups would be asked to consider their Terms of Reference and their future scope.

The following nominations were made:

Waste Task and Finish Working Group:

Councillors M F L Durham, K M H Lagan, R H Siddall and Miss S White were nominated to be representatives on this Group. These nominations were duly seconded.

Car Parking Task and Finish Working Group:

Councillors R H Siddall, C Swain, Mrs M E Thompson and Miss S White were nominated to be representatives on this Group. These nominations were duly seconded.

Maldon Market Member Task and Finish Working Group:

Councillors M R Edwards, C Swain, Mrs M E Thompson and Miss S White were nominated to be representatives on this Group. These nominations were duly seconded.

Places for People Liaison Committee:

Councillors M F L Durham and C Swain were nominated to be representatives on this Committee. These nominations were duly seconded.

Recreational Avoidance and Mitigation Strategy Member Forum:

Councillor K M H Lagan was nominated to be representatives on this Forum. These nominations were duly seconded.

River Crouch Coastal Community Team:

Councillors R H Siddall and N J Skeens were nominated to be representatives on this Coastal Community Team. These nominations were duly seconded.

The Chairman then put the nominations received and seconded. These were duly agreed by assent.

RESOLVED that the following appointments for the remainder of the municipal year be agreed.

Body	2020 / 21 Representative(s)
Car Parking Task and Finish Working Group (Minute 588 – 17/11/15)	Councillors R H Siddall, C Swain, Mrs M E Thompson and Miss S White
Maldon Market Member Task and Finish Working Group (Minute 612 – 21/11/17)	Councillors M R Edwards, C Swain, Mrs M E Thompson and Miss S White
Place for People Liaison Committee	Councillors M F L Durham and C Swain
Recreational Avoidance and Mitigation Strategy Member Forum	Councillor K M H Lagan
River Crouch Coastal Community Team (Management Team)	Councillors R H Siddall and N J Skeens
Waste Member Task and Finish Working Group (Minute 945 – 27/03/18)	Councillors M F L Durham, K M H Lagan, R H Siddall and Miss S White

101. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

102. MILLFIELDS CARAVAN SITE

The Committee considered the report of the Director of Service Delivery updating Members and seeking approval of a revised lease agreement for the Millfields Caravan Park at Burnham-on-Crouch.

The report set out background information regarding the development of the Millfields Caravan Park, tendering process completed in 2012, planning conditions applied and a summary of key issues. Detailed legal advice was also set out in the report along with options for Members' consideration.

The Chairman moved the recommendations as set out in the report. This was duly seconded.

During the debate a number of questions were raised, and information provided by Officers in response. There was some discussion regarding the current and proposed use of the site and Members were reminded that the proposed scheme gave opportunity for the Council to generate income on the site.

It was noted that the report referred to a cost / base analysis being attached at Appendix 1 to the report, however this was not attached. In response the Chairman suggested that Members may wish to take this matter to the Finance Working Group with a report back to this Committee in January 2020. Further debate ensued.

The Chairman advised that as there was currently a proposal (to accept the Officers recommendations) already seconded the Committee would have to consider this and should it be lost then other proposals could be considered.

In accordance with Procedure Rule No. 13 (3) Councillor W Stamp requested a recorded vote. This was duly seconded. The Chairman put the proposal to accept the Officers' recommendations and the voting was as follows:

For the recommendation: None.

Against the recommendation:

Councillors Mrs P A Channer, M F L Durham, M R Edwards, K M H Lagan, R H Siddall, N J Skeens, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Abstention: None.

The motion was therefore declared lost.

The Chairman then proposed that this report along with the missing appendix be considered by the Finance Working Group and a report brought to the next meeting of this Committee. This was duly seconded. In accordance with Procedure Rule No. 13 (3) Councillor N J Skeens requested a recorded vote. This was duly seconded, and the voting was as follows:

For the recommendation:

Councillors Mrs P A Channer, M F L Durham, M R Edwards, R H Siddall, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:
Councillor N J Skeens.

Abstention: None.

It was noted that Councillor Lagan had lost connection and therefore did not vote.

The Chairman declared that the recommendation to send the report to the Finance Working Group had therefore been agreed.

RESOLVED that the report of Millfields Caravan Site along with the missing appendix be considered by the Finance Working Group and a report brought to the next meeting of this Committee.

103. FIVE YEAR HOUSING LAND SUPPLY

The Committee considered the report of the Director of Strategy, Performance and Governance informing Members of the Council's upcoming position in relation to the Five-Year Housing Land Supply (5YHLS).

The report provided background information regarding the 5YHLS to meet the Government's requirement for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years. In addition, the report provided further information on the Council's 5YHLS position and future work. The draft Maldon District Council 5YHLS Statement for 2019 / 20 was attached as Appendix 1 to the report.

The Chairman put the recommendations as set out in the report. This was duly seconded.

In response to a number of questions, the Lead Specialist Place provided Members with further information regarding the Council's 5YHLS position and how this would affect the defence of planning appeals. It was noted that the impact of the recent COVID pandemic was outside of the calculation, although the Essex Planning Officers Association had sought some leniency in respect of COVID but this had not been granted at this stage.

Following a comment regarding the proposed Member workshop, the Lead Specialist Place suggested that perhaps two workshops could be arranged, one during the daytime and another in the evening. This was agreed.

The Chairman put the recommendations with the amendment to hold two member workshops. This amendment was duly agreed. The amended recommendations were then agreed by assent.

RESOLVED

- (i) That the contents of the report be noted;

- (ii) That two Member workshops to be provided (one during the daytime and the other in the evening) for all Members in relation to the lack of a Five-Year Housing Land Supply and decision making.

The meeting closed at 9.41 pm.

R H SIDDALL
CHAIRMAN



Acceptable Use Policy

CONTEXT

We must act appropriately with the information we obtain and hold, and with the systems we use and access. How you use our systems, telephony, email and intranet is important for our reputation and the trust of our customers.

APPLICATION OF POLICY

Everyone who uses information and communications technology this organisation provides (or technology under any ownership used in the course of the business of this organisation) must be aware of these policy statements and the obligations it places upon them.

Maldon District Council commits to informing all employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals. Other organisations, and their users, granted access to technology managed by our organisation must abide by this policy.

All those who access information and communications technology may be held personally responsible for any loss or misuse.

OBLIGATIONS

- You must not install, access or modify applications, systems or data without the correct authorisation from IT.
- You must maintain the security of information as defined in the Information Security Policy.
- You must not access or interfere with other people's email without their permission, or in their absence, the authorisation of their line manager.
- You must not participate in unlawful, libellous, immoral or offensive activities, including accessing, downloading, storing, creating, copying or disseminating offensive material. This includes, but is not limited to, material of a pornographic, sexual, violent, criminal, racist, sexist or otherwise discriminatory nature. Further, you must not use our systems to perpetrate any form of fraud or piracy.
- You must not publish a website, or any content on a website or social media platform, that could bring the organisation into disrepute. This includes publishing defamatory or knowingly false material about the organisation, colleagues or customers in any online publishing format.
- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report this to ICT.
- Only subscribe to services with your professional email address when representing the organisation.
- Our facilities and identity must not be used for commercial purposes outside the authority or remit of this organisation, or for personal financial gain.

- You must not attempt to disable or bypass anti-virus, malware or other security protection, and you should take care not to introduce viruses or malware. If you discover a virus or malware, you must notify ICT immediately.
- You must only use software that is appropriately licensed and materials which are not copyrighted, or for which you have been granted use.
- You must only use council data for the purpose it was obtained and not to benefit yourself, a family member or friend
- If you receive or view email or other content not intended for you, protect its confidentiality.
- Take care when replying or forwarding to ensure that only relevant parties are included.
- Report faults with information and communications technology and co-operate with fault diagnosis and resolution.
- If you use our technology or our internet provision for personal use, the organisation takes no responsibility for the security of your personal information. It is recommended you do not carry out personal financial transactions.

FURTHER INFORMATION

Also see

Information Security Policy

Contact

Lead ICT Specialist

To report faults, contact

The ICT team on 01621
854477

To report a virus or
malware, contact

The ICT team on 01621
854477

In the event of a password
breach, or suspected
breach, contact , Lead ICT
Specialist, who acts as the
Information Security
Manager.

MONITORING

The organization maintains the right to examine any system or device belonging to the organization in the course of our business, and to inspect any data held there. this includes but isn't limited to Laptops, tablets, phones and desktops.

To ensure compliance with this policy, the volume of Internet and network traffic, and the use and content of emails and visited Internet sites, is tracked and monitored. Specific content will not be monitored unless there is suspicion of improper use or required by a criminal investigation.

In regards to monitoring the user is question may be made aware of the monitoring event however this will be based on the situation at hand. If for example the monitoring was required due to a criminal investigation, the organization may be required to keep its findings confidential.

General ongoing non-descript monitor is run at all times for all organization devices.

For any specific request for Monitoring, CLT Approval is required prior to action taking place. If a request to monitor an individuate is made there has to be good cause for the request and specific information requested. All data is then kept secure and confidential in accordance with the Information security policy and only disclosed to the CLT for disclosure.

Where specific allegations of improper use are received relating to the conduct the individual will be informed of the allegations and the nature and scope of the investigation being undertaken in line with the relevant code of conduct policy.

Using Email and Digital Communications

CONTEXT

Email and digital communications are essential channels for our organisation, enabling us to work productively and flexibly.

How you communicate through email, instant messaging or audio-visual conferencing and what you publish on the internet is important for our reputation and the trust of our customers and partners.

Read the Information Security Policy and Acceptable Use Policy to understand your obligations.

AUDIENCE

This guidance is relevant for everyone who uses corporate email or digital communication channels in the name of Maldon District Council or acts as a representative of the organisation. It contains good practice and advice, describing the organisation's expectations as you use these channels.

All those who access email and digital communications may be held personally responsible for any abuse or inappropriate use.

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CHOOSING THE BEST CHANNEL

What do I need to communicate?

If information needs to be recorded or saved, or if you want to get a consistent message to a group of people, email is the answer. Short and insignificant conversation with somebody remote is ideal over instant messaging. Delivering an important, immediate and memorable message is best face to face, either in person or through video conferencing. For instant response combined with two-way dialogue, telephone remains a useful channel.

Channels for sensitive or complex subjects

If you are communicating about these matters, talk to somebody directly, or contact them using telephone or audio-video conferencing rather than email or instant messaging.

Performance appraisal or review issues | Job, salary or career progression

Topics which require discussion or dialogue | Private or privileged materials

Complex issues needing input from multiple people | Venting frustration

This ensures that aural or visual cues are evident in the conversation. Of course, you may need to follow up dialogue with documented notes or information, at which time email becomes an acceptable channel.

EMAIL ETIQUETTE

Keep emails short and to the point. The people receiving your email want to quickly understand how they should prioritise your message. Long emails may not be read to the end.

Use the subject field for a brief and concise description or reference. This helps the recipient organise and manage their email and will help you retrieve it if needed.

Read your email back to yourself before you send it, as it lets you check you are conveying the message you want, as well as correcting spelling or grammar mistakes which shows respect for the intended audience.

Do you need to attach something? When referring to other information or documents, think about whether the recipient can access a link rather than sending an attachment. This reduces the strain on your mailbox storage and theirs. It also reduces duplication as it discourages multiple copies being saved, and ensures the original information remains the key reference location.

Say Hello, Goodbye and who you are. Use a salutation appropriate for your audience. It is common practice to use Hi or Hello in professional emails, or to use Dear in particularly formal emails. Finishing your email with "Kind regards" or "Thanks" above your signature helps to stop communication feeling abruptly closed. Include a signature that provides enough information about who you are without making it unreasonably long. A corporately agreed disclaimer is automatically added to external emails therefore do not add your own version of a disclaimer to your signature.

Avoid snap responses. Never send an email in anger. Email can be very impersonal so it may encourage people to feel bolder in making criticism or pointing out things they are dissatisfied with than they would be in communicating it verbally. Whilst it may be tempting to respond in kind, it is always better to wait until your initial irritation is gone and then either speak to them in person or construct a considered response.

MANAGING EMAIL

Don't let email overwhelm you by setting a little time aside each day to deal with it. Consider whether senders need you to respond, retain or just read then delete. Use flags and reminders for emails which require a response you cannot immediately provide. Empty the deleted items folder intermittently and archive old items in your mailbox regularly to prevent it becoming unusable.

If you are able to work flexibly or remotely, you may collect email on your mobile phone or online. As technology enables us to work from almost anywhere with an internet or phone connection, it can be difficult to know where to draw the line. The relaxation of traditional work boundaries can cause feelings of pressure on your work life balance and difficulty switching off from work.

You are not expected to read and answer emails outside your normal working hours. Urgent matters can be communicated by telephone. There is no expectation you are always available just because you have connectivity.

Avoid peer pressure and do not get involved in competitive situations over email responses.

Be considerate of the time and day when sending emails. If you manage others, you should avoid setting an expectation that your team need to work when you work.

Set an out-of-office response when you are unable to read your emails for at least one working day or more. This helps to manage the expectations of those contacting you.

You do not need to check emails when you are off sick, on holiday or non-working days, but you should ensure they are managed on your behalf or that senders have an alternative point of contact.

You are responsible for managing your work time. Look for early signs of email invasion into your personal time and act quickly.

SENSITIVITY

Give some thought to whether a message needs to be marked differently to usual. Most messages and their attachments don't need to be marked as confidential or private, and when they aren't, the assumption is that the message can be forwarded and the attachment changed as required. Please do not use auto-forward rules on your emails as this restricts your ability to manage them according to their sensitivity.

Most email applications make it easy to mark emails with a sensitivity level. If in doubt, start your subject line with the appropriate word to indicate sensitivity. Be aware that marking with a sensitivity level does not prevent recipients distributing the content.

Remember privacy and confidentiality cannot be assured on most digital channels. Secure email should be used for sensitive information about individuals, or is sensitive due to quantity (e.g. large datasets of personal details) or content which is commercial in confidence.

Confidential messages and attachments should not be freely copied or forwarded. Distribution should be limited to those who need to be informed.

Private indicates the content is only to be shared between the sender and recipient. The recipient should seek the sender's permission before distributing or sharing the information.

Marking digital correspondence with **Personal** tells the recipient that the content is about the sender. The recipient should seek the sender's permission before distributing or sharing.

DIGITAL COMMUNICATIONS AND THE LAW

The law applies to email and digital communications in the same way as it does to the written or spoken word, regardless of intent or ignorance. Think carefully about what you say and how you say it. The organisation will assist law enforcement agencies when requested, including passing on all data held on email.

The law of copyright applies to electronic and digital forms in the same way as it does to traditional publications. Take care not to infringe copyright when reproducing any material in email, attachments or digital communications. Seek advice from Legal Services if you are unsure.

Everything contained in the email system is the organisation's intellectual property.

Data Protection and Freedom of Information

It is a criminal offence to collect, hold and process personal data on computers unless the Information Commissioner's Office is notified. This organisation is registered as a data processor. Information held in emails about a person may have to be revealed if they request it. Be mindful that email is included in the information subject to disclosure under the Freedom of Information Act 2000. It is also a legal requirement that information held is accurate and is only kept for as long as it is needed.

Human Rights Act 1998

Article 8 of this Act applies to emails and digital correspondence sent at work and gives individuals the right to privacy over such communications. However, monitoring individuals' email and digital correspondence at work may be justified if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, for the economic wellbeing of the country, for the prevention of disorder or crime, for protection of health or morals or for the protection of the rights and freedoms of others. Emails are only accessed where this legal justification can be met

Obscene Publications Act 1959 and 1964

Material sent through the email system or shared digitally during working time or from the organisation's equipment could contravene this act, and information will be passed to appropriate authorities if requested.

Defamation

Critical comments or defamatory remarks about individuals, groups or organisations must not be included in corporate email or shared through digital channels when acting as a representative of the organisation. You must not reproduce any critical comments or defamatory remarks made by third parties as the law may interpret this as libel and you may be held liable for the contents.

Harassment and Discrimination

Comments or remarks sent by email or shared digitally may amount to harassment under anti-discrimination laws. Because there are no visual or tonal signals in digital communications, it is possible to cause offence to the recipient or reader where none was intended.

Contracts

It is possible to inadvertently form a contract through an exchange of email. A contract does not necessarily need a signature to come into force, and in any event, your email signature has the same weight in law as your manuscript signature. If you do not have the authority to create or vary a contract, take care in your email correspondence, and seek advice from Legal Services if needed.

Hacking

Unauthorised access to our network or systems, including email, can lead to theft, destruction or alternation of essential data. It is a criminal offence to access any computer system you are not authorised to use, or to delete or amend data or systems to the detriment of the organisation.

REPORTING EMAIL OR DIGITAL COMMUNICATIONS

Abusive or Obscene Content

Make sure you know and understand your obligations around inappropriate and unacceptable communications: see the Acceptable Use Policy. If you are unsure as to whether email or digital communication content could be offensive, do not send or share it. Remember you represent our organisation in all communications and should not do anything to bring it into disrepute.

Abusive or obscene content is not defined by what you consider abusive or obscene; it is what anyone could find to be abusive or obscene.

If you receive offensive material by email from an unknown source, do not reply or participate in any way as this may confirm to the sender that your email address exists and lead to further unwanted email. Inform your line manager and ICT.

If you receive offensive material from a known source, request they stop this in future and please tell your manager. You may notify ICT if you choose.

Viruses and Malware

Anti-virus and anti-malware tools are used throughout our network. Nonetheless some suspicious communications may find their way to you by masking themselves as a trusted correspondent or domain, or by being inconspicuous enough to avoid detection. Think carefully before opening attachments or following links you weren't expecting. Delete suspicious emails straight away, notifying the sender by separate email (not by replying) if you think there was a chance of authenticity. If you mistakenly open an attachment or follow a link which proves to be bogus, notify ICT immediately who will try to limit any issues; stop working on your PC or mobile device and do not attempt to remove any virus or malware yourself.

FURTHER INFORMATION

Also see **Information Security Policy, Acceptable Use Policy**

Contact, Lead ICT Specialist

To report concerns, contact the ICT team on 01621 854477

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Information Security Policy

CONTEXT

Information is essential to delivering services to citizens and businesses. Information security refers to the defence of information or information systems from unauthorised or unintended access, destruction, disruption or tampering. It is important our organisation acts appropriately with the information we obtain and hold. Confidentiality, integrity and availability of information must be proportionate and appropriate to maintain services, comply with the law and provide trust to our customers and partners.

APPLICATION OF POLICY

Everyone who accesses information this organisation holds must be aware of these policy statements and their responsibilities in relation to information security.

Maldon District Council commits to informing all employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals. Other organisations, and their users, granted access to information held by our organisation must abide by this policy.

All those who access information may be held personally responsible for any breach or misuse.

OBLIGATIONS

- Only access systems and information for which you are authorised.
- Only use systems and information for the purposes authorised.
- Comply with all applicable legislation and regulation.
- Comply with controls communicated by the Information Asset Owner.
- Do not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner.
- Ensure confidential or sensitive information is protected from view by unauthorised individuals.
- Do not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility.
- Protect information from unauthorised access, disclosure, modification, destruction or interference.
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts (unless Maldon IT team require it to make updates)
- Notify the Information Security Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information.

ROLES AND RESPONSIBILITIES

The Organisation

- Ensures compliance with law governing the processing and use of information.

Senior ICT Specialist

- Assures information security within the organisation.
- Promotes information security at executive management level.
- Provides an annual statement about the security of information assets.
- Supports Information Asset Owners to assess risks and implement controls.

Senior Legal Specialist

- Manages the investigation and mitigation of information breaches.
- Assess the risks to the information they are responsible for.
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information.
- Communicate the protection controls to authorised users and ensure controls are followed.

Directors, Managers and Line Managers

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance.
- Develop procedures, processes and practices which comply with this policy for use in their business areas.
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply.

Employees

- Conduct their business in accordance with this policy.
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them.

APPENDIX 3

FURTHER INFORMATION

Contact

The ICT team on 01621
854477

In the event of an information breach, or suspected breach, contact Grant Hulley, Senior ICT Specialist, who acts as the Information Security Manager.

1 Introduction

- 1.1 The local enforcement plan for Maldon is produced by the Council in accordance with, and to directly reflect the aims and objectives of the National Planning Policy Framework (NPPF). It is at the discretion of the Council, as to whether or not take formal enforcement action; It is important to remember that recommended practice is to seek to negotiate with the owner or developer to bring about a voluntary resolution of the matter.
- 1.2 Planning enforcement action can only be considered where the building work or change of use involves a breach of planning control: i.e. planning permission, Listed Building Consent or advertisement consent would be required. In addition, an important consideration is whether the development is causing or has resulted in 'harm' (described in paragraph's 3.2 below). Certain types of building works or changes of use (development) are defined as 'permitted development'; this means that planning permission is not required. Whether or not planning permission is required depends on several factors and these are detailed in the Town and Country Planning (General Permitted Development) Order 2015 (As amended).
- 1.3 The Town and Country Planning Act 1990 (the Act) provides the legislative framework for dealing with breaches of planning control. The Act provides the Council with the necessary powers to deal with breaches of planning control whilst the National Planning Policy Framework (NPPF) 2019 and National Planning Practice Guidance (NPPG), provides guidance on how the Council should deal with breaches of planning control.
- 1.4 Three important points have to be made:
1. It is not an offence to carry out development without first obtaining planning permission (except in certain instances – see paragraph 3.6)
 2. The taking of enforcement action/serving a notice is not an instantaneous remedy to unauthorised development.
 3. The taking of formal enforcement proceedings cannot be used to require the submission of a planning application.

- 1.5 The NPPF and NPPG make it clear that the powers provided by the Act are discretionary and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused.
- 1.6 Paragraph 58 of the NPPF states:
“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”
- 1.7 This plan sets out the Council’s approach to the delivery of enforcement services relevant to planning, listed buildings and conservation areas.

2 Aim of Planning Enforcement in Maldon

- 2.1 The Council aims to provide an efficient, effective and timely planning enforcement service within the resources available, whilst treating our customers with courtesy, respect and fairness. We will seek to operate our service in accordance with service standards and performance targets. We will regularly review these standards taking account of the views of customers and stakeholders.
- 2.2 The Council aims to remedy the undesirable effect of unauthorised development and to strike a balance between protecting amenity/environment and other interests.
- 2.3 The Council will, when it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.

3 Breach of Planning Control

- 3.1 A breach of planning control broadly means the carrying out of development without the grant of planning permission or other form of planning control. A breach will also include the carrying out of development without compliance with the approved plans or any conditions attached to planning permission. Planning enforcement action can only be considered where the building work or change of use involved needs planning permission or other formal planning consent and/or has resulted in harm to amenity or the environment.
- 3.2 Breaches of planning control (unauthorised development) can sometimes cause serious harm to the way people live or to the environment. A key objective of the Planning Enforcement Service is that harmful activities are dealt with effectively where it is expedient to do so. However, it is important to note that any action taken by the Council to rectify a breach of planning control must be proportionate and carried out in a fair, balanced and impartial way.
- 3.3 Planning laws are designed to control development and the use of land and buildings in the wider public interest. They are not meant to protect the private interests of one person or party against another.
- 3.4 Examples of breaches of planning control include:
- Carrying out of operational development (building or other works) without the required planning permission.
 - Carrying out of material changes of use without planning permission.
 - Failing to comply with a condition or limitation subject to which planning permission was granted.
 - The neglect of land or buildings (untidy site) to an extent which causes harm to the amenity of the area.
 - Failure to comply with Section 106 Agreements/undertakings.
 - Engineering operations such as the raising or lowering of ground levels and formation of earth bunds.

- Not building in accordance with the approved plans (following the granting of planning permission).

3.5 Examples of activity that may not be breaches of planning control include:

- Internal alterations to a building which is not a listed building.
- Obstruction of a highway or public right of way.
- Land ownership disputes and boundary disagreements.
- Parking of vehicles on the highway or on grass verges.
- Operating a business from home, where the residential use remains the primary use of the property and there is no significant impact on the residential amenity or the character of the area.
- Covenants and restrictions on Deeds and Land Registry enquiries.
- Any development already approved by the government and therefore deemed to be “Permitted Development” by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.6 Most breaches of planning control are not, in themselves, criminal offences. Under current legislation a criminal offence only arises when an Enforcement Notice has been served, has taken effect and the requirements of such a notice have not been complied with in the time required within the notice. However, certain breaches of planning control do constitute a criminal offence from the outset. Such breaches include:

- Unauthorised works to a Listed Building, without the necessary consents.
- Unauthorised works to a Protected Tree or tree within a Conservation Area.
- The display of Advertisements which do not benefit from deemed consent.

4 Cases which will not be investigated

4.1 In order to give the best possible service and to manage the limited resources within the Council, there are some cases that will not be investigated. These include:

- Neighbour disputes – Unless clear planning issues identified.
- Anonymous complaints – Unless what is alleged is priority level 1 in nature
- Trade complaints – Unless clear planning issues are identified.
- Business uses from residential properties where no evidence is provided – In line with Public Protection procedures, a log sheet is sent out to record times, dates and activities prior to the case being formally investigated. Once the log sheets have been returned with sufficient information, the case will be formally investigated.
- Complaints that would appear, from the information provided, to fall under a different legislative framework e.g. Environmental Health or the Highway Authority.
- Issues that are clearly not planning related e.g. matters regarding deeds or covenants.

5 How we prioritise complaints

5.1 The Council receives a high number of new planning enforcement complaints every year. Because of the often lengthy and complex nature of planning investigations and limits on resources, it is necessary to give priority to those cases where the greatest harm is being caused. Individual cases may be re-prioritised as the investigation progresses where new and relevant information comes to light.

Complaints classified as '**Immediate**' – investigation (with initial site visit to ascertain facts) within 1-2 working days:

- Works to listed buildings
- Works to protected trees

- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm

Complaints classified as **‘Urgent’** – investigation (with initial site visit to ascertain facts) within 15 working days:

- Councillor or MP complaints and formal Parish Council complaints
- •Operational/building works/change of use/compliance with conditions/obligations affecting residential amenity where ongoing severe neighbour distress being caused
- Operational development within conservation areas
- Where immunity rules are likely to shortly apply if action is not taken

Complaints classified as **‘Non-Urgent’** – investigation (with initial site visit to ascertain facts) within 25 working days

- Other changes of use (not falling in the above category)
- Other building works/condition of land/compliance with conditions (not falling in the above category)
- Advertisements and satellite dishes in most instances

6 Service Standards

- 6.1 To operate the planning enforcement service in accordance with the service standards and performance targets below, which set out the level of service and performance the public and businesses can expect. We will regularly review these standards taking account of the views of stakeholders.

Openness

- 6.2 To provide information and advice in plain language on the policies and procedures of the service, and to communicate this mainly by electronic means whilst giving access for all. We will maintain confidentiality for those persons who wish the Council to investigate a breach of planning control.

Partnership

- 6.3 To work with the community on compliance with planning controls on the basis that prevention is better than cure, and to ensure that our efforts are coordinated with other enforcement agencies within and outside the council.

Helpfulness

- 6.4 To provide a courteous, efficient and responsive service with appropriate publicised contact points.

Feedback about the service

- 6.5 To operate the council's compliments, suggestions and complaints procedure in an accessible, effective and timely manner.

Consistency

- 6.6 To use the council's planning enforcement powers in a fair and consistent manner.
- 6.7 The Council has committed itself to performance targets in order to achieve the above aims in order to secure the social, economic and environmental interests of the district, its residents and businesses and in compliance with national policies in the National Planning Policy Framework (NPPF) 2019 and the Maldon approved Local Plan 2017. We aim therefore, to achieve no less than an 80% target in all areas of enforcement set out below.

- Enquiries for enforcement investigation will be registered and acknowledged in writing within 5 working days of receipt (1-2 days where the complaint is classified as 'urgent' including site visit).
- Initial site visit undertaken in accordance with the prioritisation of the case as set out in section 5.1 above.
- Cases will be resolved, as defined within section 9.3 below, within 20 weeks of initial site visit being undertaken (processes described in the table below at 8.1 up to Formal Action).

7 Enforcement Investigations

- 7.1 All initial complaints are dealt with in confidence and details of the complainants will not be made known without their agreement. However, the substance of the complaints themselves is not confidential. In some cases, it may be necessary to rely on evidence from complainants in order to take action and the complainant will need to consider whether they are willing to actively assist the Council by collecting evidence and/or acting as a witness at an appeal or in Court.
- 7.2 If someone believes that a breach of planning control has occurred, they should notify the Council's Planning Enforcement Team using the online reporting form which can be found at:
https://www.maldon.gov.uk/info/20051/planning_enforcement/9571/make_an_enforcement_complaint
- 7.3 Anonymous complaints will not be investigated. If complainants do not wish to give their personal details they will be advised to contact either their Local Ward Councillor or their Parish Council who may then contact the Planning Enforcement Team on their behalf.

8 Enforcement Outcomes

- 8.1 Following the initial investigation, the findings will be assessed, and a view taken on how the investigation will proceed. It is key to decide as quickly as possible whether enforcement action is proportionate and then clearly document the decision reached and why. Formal action is a last resort and those responsible will normally be given the opportunity to remedy the breach. However, when the breach is causing serious harm or nuisance, formal action will not be delayed by protracted negotiations or a request for the submission of a planning application when it is obvious a refusal is likely to be the outcome.

Summary table of what actions we will consider taking according to the status of the investigation

Status of the Investigation	The Council's Actions
No Breach of planning control has been identified	The Council will write to the complainant to advise them of our findings and the investigation will be closed.
A breach of planning control has been identified where it is not expedient to take action	The Council will write to the complainant to advise them of its findings and provide an explanation as to why no action will be taken in this instance. The investigation will be closed.
A breach of planning control has been identified and retrospective planning application may regularise the breach.	The Council will write to the person responsible for the breach of planning control and explain why the works/use require planning permission and provide advice on how that permission can be obtained. The Council expects a planning application to be submitted within 28 days. If an application is not submitted, the Council will decide whether it would be expedient to take enforcement action.
A breach of planning control has been identified and the matter needs to be addressed.	The Council will write to the complainant to advise them of its findings. The Council will also write to the person(s) responsible for the breach to advise them what steps they need to take to address the breach of planning control and the timescales within which those steps must be taken. The Council will also advise of the consequences of not complying with its request.

Status of the Investigation	The Council's Actions
Further investigation is required.	The Council will write to the complainant to advise them of its initial findings. The Council will write to the person(s) responsible for the breach to advise of the information that it needs. This may involve issuing a Planning Contravention Notice (PCN) which must be completed and returned to us within 21 days.
Formal Enforcement Action	Where it has been established that a breach of planning control has occurred, the Council will consider using statutory notices to take action to remedy the breach. The issuing of a notice is discretionary and will only be used when it is considered expedient to do so. Any action taken must be proportionate to the breach of planning control and may include 'under enforcement'. The complainant will be notified of the Council's decision, whatever that may be. If the decision is to take formal action, the complainant will be notified upon service of the notice.

Status of the Investigation	The Council's Actions
Prosecution	Where the Council has served a statutory notice (including a PCN) in an attempt to remedy the breach of planning control and the required action has not been undertaken, where it is considered to be in the public interest, the Council will take appropriate legal action. The authority will seek full recovery of costs, where possible in these instances.

9 Engaging with the customer

- 9.1 One of the customer's key concerns in relation to enforcement is to be kept informed as the case progresses, especially as enforcement cases can be lengthy. The complaint will be updated as to case progress by the investigating officer and normally this will be when a material event occurs in the investigation (i.e. breach has been identified and the most appropriate remedy/action has been considered; or alternatively no breach has occurred or identified on the basis of the available information).
- 9.2 A second concern relates to the understanding of the process, procedures and remit of enforcement. There is a need to match the customers' expectations with what the Service can deliver. To address this issue a booklet will be made available on the Council's website that explains the planning enforcement and compliance process; a copy of this will be sent to all complainants as part of their acknowledgement letter.
- 9.3 All customers, including complainants and the individual or business that has allegedly breached planning control, will be informed when the case has been resolved. The resolution of a case means:

- The case has been investigated and there is no breach of planning control; or
- There is a breach of planning control which has been remedied, either by the submission of an application, or the works have been removed or use has ceased; or
- There is a breach of planning control, but it is not considered expedient to pursue the further; or
- An enforcement notice has been served.

9.4 Where an enforcement notice has been served, there is a compliance period within which the contravener is required to remedy the identified breach. The length of compliance period varies depending on the nature, severity, scale and complexity of the breach. The contravener has the right of appeal against the notice which will be decided by the planning inspectorate who may uphold or dismiss the enforcement notice. If the appeal goes against the contravener there may be a prosecution raised against the contravener if the notice is not complied with. This part of the process has an indeterminate timescale, as it would follow processes determined by bodies outside of the Local Planning Authority (Planning Inspectorate/Judiciary). The complainant will be kept updated with all processes and procedures at this stage.

10 OTHER PLANNING ENFORCEMENT POWERS

10.1 Some breaches of planning control are the subject of separate legislative codes. Investigations of breaches of planning control under these legislative codes will broadly be undertaken in accordance with the policy where appropriate.

10.2 These include:

- Listed Buildings
- Advertisements
- Trees
- Anti-Social Behaviour Order (ASBO)

- Condition of land or buildings affecting the amenity of an area (Untidy Site)
- Proceeds of Crime (POCA)

10.3 Where the legislative requirements are the same, this enforcement policy will form the basis for any action taken by the Council on these matters.

Listed Buildings

10.4 The Council attaches particular importance in ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. It is an offence under Section 9 of the Act to carry out unauthorised works to a listed building which would affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively, or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a fine and/or a term of imprisonment. There is no time limit upon the District Council to pursue listed building enforcement action.

10.5 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal but failure to comply with the Notice is an offence, where a financial penalty may be imposed.

Advertisements

10.6 The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the Anti-Social Behaviour Act 2003 (part C) Penalty Notices for Graffiti and Fly Posting.

10.7 Advertisements are divided into three main groups:

- Those advertisements that are expressly excluded from local planning authority control

- Those that have 'deemed consent' so that the local planning authority's consent is not required provided the advertisement is displayed under certain rules
- Those advertisements that require the local planning authority's consent

10.8 Any person who displays an advertisement, without consent, is acting illegally. It is open to the Council to take a prosecution in the Magistrates Court for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended). The Council also has some powers in relation to the display of advertisements under the Anti- social, Crime and Behaviour Act 2014.

10.9 Some advertisement may be displayed on highway land in which case there are powers that Essex County Council (ECC) has to remove these directly. The Council will seek ECC to remove these where complaints are received but in some cases, such as fly posting joint action may be necessary.

10.10 The only two reasons local authorities can take into account in dealing with advertisements under the Advertisement Regulations are public safety and amenity.

Anti – social behaviour orders (ASBOs).

10.22 This was new measure introduced in 1999. Graffiti and fly-posting are defined as an offence and a Penalty Notice can be served. 14 days' notice is required to be given of impending action. This type of action is considered more appropriate where there is an extensive problem of illegal fly posting.

Trees

10.23 Under Section 198 of the Town and Country Planning Act 1990, the local planning authority has the right to make provision for the preservation of trees in their area by issuing a Tree Preservation Order. Any unauthorised works to such protected trees is an offence under Section 210 of the Act. It is an offence to cut down, uproot or wilfully destroy a tree, or wilfully damage, top or lop a tree in such a manner as to likely destroy it.

- 10.24 Trees in Conservation Areas are similarly protected subject to the size of such a tree and under Section 211 and Section 212 of the Act, similar penalties apply.

Land or buildings that adversely affect the amenity of an area

- 10.25 Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may take steps to require land or buildings to be cleaned up when its condition adversely affects the amenity of an area. The Council may serve a notice on the owner and occupier of the land requiring steps to be taken within a specified period.

- 10.26 The notice takes effect after 28 days from date of service. There is a right of appeal to the Magistrates Court and then to the Crown Court, during which time the notice is of no effect. If an appeal is unsuccessful, the notice takes effect and it is an offence not to carry out the steps required. If the notice is not complied with, the Council will consider prosecution proceedings or enter the land and carry out the required works. The costs incurred in carrying out the works will be recovered from the owner of the land.

Proceeds of Crime Act - POCA

- 10.27 The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.
- 10.28 Consideration will be given to the appropriateness and expediency of the use of POCA powers, including but not limited to the seeking of confiscation orders, in appropriate cases in which a defendant has benefited from criminal conduct or a criminal lifestyle.

11 Legislation

- 11.1 When investigating breaches of planning control, the Council will act in accordance with the provisions of both primary legislation (Acts of Parliament) and secondary legislation (Statutory Instruments).

Primary Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Key Secondary Legislation

- Localism Act 2011
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- Planning and Compensation Act 1991
- Planning and Compulsory Purchase Act
- Planning Act 2008
- Local Government (Miscellaneous Provisions) Act

Key Guidance

- The National Planning Policy Framework (Feb 2019)
- The National Planning Practice Guidance (online)
- Town And Country Planning (Control Of Advertisements) (England) Regulations 2007

Other Legislation, Guidance and Codes of Practice

- Regulators' Code
- Code for Crown Prosecutors
- Human Rights Act 1998
- Equality Act 2010
- Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996

- Regulation of Investigatory Powers Act 2000

Key terms:

Harm

Harm resulting from a breach of planning control could concern amenity or highway safety issues which includes noise nuisance from inappropriate uses, loss of daylight or privacy, or danger from increased traffic flows. Harm to the visual amenity of an area could occur for example through unauthorised work to a listed building; demolition within a Conservation Area or work to a protected tree or inappropriate development in the Green Belt. Once the alleged breach has been investigated and it has been established that harm is being caused, action may then be taken. This harm would not, for example include: • loss of value to a neighbouring property, • competition to another business, • loss of an individual's view or • trespass onto someone else's land.

De Minimus:

It may be that whilst a technical breach of planning control has been found the breach is so minor that it has no or very little impact of any consequence. Such breaches would be considered „de minimus“ in planning terms and no formal action would be taken in this respect. Examples would include the following:

- a domestic television aerial.
- walls and fences which are over the permitted development height but where there are no significant harmful impacts on the appearance of the street scene, residential amenity or highway safety.
- Domestic extensions which exceed the permitted development limits but where there are no significant harmful impacts on residential or visual amenity.
- Advertisements which are not significantly harmful to either visual amenity or highway safety

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2020 MDC Document Retention Schedule
Document Control Sheet

Document title	2020 Maldon District Council Document Retention Scheme
Summary of purpose	To provide a list of records which need to be retained by Local Government for a designated period of time.
Prepared by	Emma Holmes, Senior Legal Specialist / Data Protection Officer
Status	Awaiting approval by the Council
Version number	1
Approved by	
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Date of implementation	
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Next review date	
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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



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2020 MDC Document Retention Schedule

The purpose of the Retention Schedule

A retention schedule is a list of records which need to be retained by Local Government for a designated period of time.

The retention schedule shows:

- i. the title of each record which it creates in the course of its business;
- ii. a time period for which records are to be retained and the action which should be taken when it is of no further administrative use; and
- iii. identifies the reason (legislative, regulatory and/or operational) on which retention is based.

The existence of the retention schedule is a requirement of Maldon District Council's corporate Document Retention Policy. It has been developed in collaboration with Service Managers. The retention schedule refers to all information, regardless of the media in which it is stored, i.e. manual files, computer files, tapes, microfiche, etc. Where records are sentenced for destruction all back-up copies or copies stored on alternative media must also be destroyed. The retention schedule provides consistent instructions for all staff who deal with records, and a formal policy for records retention and disposal.

The purpose of the schedule is to:

- i. prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration;
- ii. assist in identifying records that may be worth preserving permanently as part of the Maldon District Council's archives; and
- iii. provide consistency for the destruction of those records not required permanently after specified periods.

Members of staff are expected to manage their current record keeping systems using the Retention Schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems. The Schedule is a 'living document' and will be reviewed and amended as and when retention details change due to Council policy, if new information is created, to remove any obsolete record titles, or regulations and legislation that govern information and its use are introduced or altered.

Using the retention schedule

Where records have been identified for disposal they should be disposed of in an appropriate way. All records containing personal information, or sensitive information should be disposed of using secure waste sacks or shredded after administrative use.

The Freedom of Information Act 2000 requires the Council to maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should record at least:

- File reference (or other unique identifier);
- File title (or brief description);
- Number of files;
- The name of the authorising officer; and
- Date of destruction.

2020 MDC Document Retention Schedule

Retention Schedule and the Freedom of Information Act (2000)/Environmental Information Regulations (2004)

The Freedom of Information Act (2000) and Environmental Information Regulations (2004) are intended to promote a culture of openness and accountability amongst public authorities by providing people with rights of access to records held by Maldon District Council. With the introduction of this legislation the Lord Chancellor issued a Code of Practice to be followed by public organisations using his powers under Section 46 of the Freedom of Information Act (2000). This guidance sets out his views on desirable practice for the retention, management and disposal of public authority records. The Code of Practice includes a requirement to develop and apply Document Retention Schedules within the organisation. The Retention Schedule is a requirement of the Freedom of Information Act (2000).

Retention schedule

The Data Protection Act (2018) requires that personal data shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

These principles require the Council to have procedures in place, covering the review of information held on files.

Retention schedules assist with compliance under the Data Protection Act, which requires us to keep personal data no longer than is necessary for the purpose for which it was collected. The time limits for keeping records are based on statutory requirements, common business practice, and national guidance and best practice (the Retention Guidelines for Local Authorities (RGLA), a guide produced by the Records Management Society of Great Britain).

In some parts of the retention schedule the recommended retention period given is 6 years. This is based on the 6 year time limit within which legal proceedings must be commenced as laid down in the Limitation Act 1980. It should also be noted that, under this Act, civil action could be taken up to 12 years following certain events.

Further information

Information and Records Management Society <http://irms.org.uk/>

The National Archives <http://www.nationalarchives.gov.uk>

Archives and Records Association <http://archives.org.uk/>

Information Commissioner's Office <http://www.ico.org.uk/>

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Understanding the Retention Schedule

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 1.1	<u>Acquisitions</u> Assets over £50,000 Any papers concerning the management of the acquisition (by financial lease or purchase) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	• Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents • Conditions of Contracts • Certificates of Approval	Statutory RGLA 7.29 Limitations Act 1980
AI 1.2	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980

Ease of reference to identify function

Definition of function in terms of related items

Period of time for which document should be retained **and** action(s) once it has exceeded

Common examples of the types of documents included within the function

Indicates if retention action is statutory/ regulatory or Common practice

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Retention Scheme (by function)

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Democratic Processes

DP1

Electoral Services

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
DP1.1	Election / registration preparation - Production of hard copy electoral register for use at each polling station - Production of separate lists of postal voters, proxy postal voters and proxy voters for use at each polling station	Marked registers and lists of absent voters to be retained for a period of 12 months before being destroyed.	- Electoral Register - List of absent voters	Statutory
DP1.2	Election/referenda documents - Local elections - Parliamentary election (incl. combined local) or European elections - Referenda (including Neighbourhood Planning)	Destroy 12 months after the count Destroy 12 months after the count Destroy 12 months after declaration of results of poll	- After the count - - Counted and rejected ballot papers in separate packets - The ballot paper accounts and the statement of rejected ballot papers and of the result of the verification of the ballot paper accounts - The tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officers and the related statements, the lists maintained under reg. 41A and the declarations made by the companions of voters with disabilities - The packets of completed corresponding lists and certificates as to employment on duty on the day of the poll - The packets containing marked copies of register and of lists of	Statutory

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			postal voters, proxies and postal proxies	
DP1.3	Invitation To Register	1 year from date of publication of current register	Application forms (hard copy and scanned*) *National Insurance numbers are automatically redacted by EMS after 6 months	Common practice per AEA
DP1.4	Results Declaration of results (local elections only)	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	- Declaration of Results of Polls - Consolidated returns of votes received - Uploaded to MDC website	Local Practice
DP1.5	Returns and Declarations as to Election Expenses - Parish Council Election - Local Government Election - Parliamentary Election	Destroy 12 months after receipt Destroy 24 months after receipt Destroy 24 months after receipt	Expenses forms and accompanying documents in support	Statutory Statutory Statutory
DP1.6	Copy of revised Electoral Register published on 1 December each year for public inspection, and lists of monthly alterations covering the period January to September inclusive each year	Destroy obsolete register on 1 December each year		Statutory
DP1.7	Copy of edited version of Electoral Register for public inspection, and lists of monthly alterations covering the period January to September inclusive each year	Destroy obsolete register on 1 December each year	Copy kept on electoral software (starting from 2004) for the purpose of verifying applications from overseas voters' applications. Hard copies kept for period prior to 2004	Statutory
DP1.8	Household Enquiry Forms	Destroy 1 year from date of publication of current register	Application forms (hard copy and scanned)	Common practice per AEA
DP1.9	Other Elector Declarations	Destroy 1 year from date of publication of current register	Overseas Voters Anonymous Voters	Common practice per AEA

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			Crown Servants Living Overseas Service Voters Voters With No Fixed Abode – Application forms (hard copy and scanned*) *National Insurance numbers are automatically redacted by EMS after 6 months	
DP1.10	Names and Addresses of Election Agents/Polling Agents/Count Agents/Count Guests	Destroy 12 months after declaration of result of election	Forms received from Candidates and/or their Agents – held in hard copy and on EMS – data retained on EMS	Local Practice
DP1.11	Names and personal details of staff employed in and around elections and annual canvass of electors E.G. Casual election staff - Poll Clerks, Presiding Officers, Canvassers, etc.	Retained for as long as remain on staff pool of casual election workforce. Hard copy, emails and EMS	Application forms received are entered onto EMS	Local Practice

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DP2 Committee & Support Services				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
DP2.1	Council & Committee Meetings Process of preparing business for Council consideration and making the formal record of discussion, debate and resolutions	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Committee documents published to and retained on website. Original hard copy sets of Minutes are signed by the Chairman at the following meeting as being a correct record of the proceedings and these are to be retained indefinitely, Minutes (and copies) to be made available for 6 years after a meeting. Lists of Background Papers to be kept available for 4 years after the date of the meeting.	• Council Minutes • Council Agenda & Business Papers • Council Notice Papers and Proceedings • Indexes • Committee Minutes • Registers of delegations to Special Committees	Statutory Minutes retention - Section 228 of the Local Government Act 1972. Local Government (Access to Information) Act 1985 Hard copy Committee agendas and reports should be destroyed after meetings.
DP2.2	Delegated Decisions	Written records of delegated decisions must be kept available for 6 years .	Service area records and paper files. Service area website pages, if applicable, where any such decisions are published <i>[NB – Process under review & therefore likely to change in 2018]</i>	The Openness of Local Government Bodies Regulations 2014 requires publication of certain types of delegated decision
DP2.3	Minute Taking	Destroy after date of confirmation of the minutes Draft notes should be deleted/ destroyed once Minutes have been confirmed.	• Draft / rough minutes • Audio tapes	Common practice

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		Audio recordings published to website should be deleted after 2 years		Common practice
DP2.4	Political Parties Papers The process of undertaking representation of the Local Authority.	Destroy 3 years after last action Destroy correspondence relating to Leader's actions / appointments 2 years after last action	• Leader of Opposition Papers • Leader of Council Papers • Appointments to outside organisations and charitable bodies	Common practice
DP2.5	Register of Interests of District Councillors: To be kept up-to-date during the term of office of the individual Councillor. A record of each Councillor's interests in accordance with the Localism Act 2011.	To be kept up-to-date during the term of the office of the individual Councillor. Following completion of another form, or the term of office ending, retain for 6 years .	Paper. The register of interest forms of current Councillors are published on the MDC website.	Statutory
DP2.6	Register of Interests of Town and Parish Councillors: A record of each Councillor's interests in accordance with the Localism Act 2011.	To be kept up-to-date during the term of office of the individual Councillor. Following completion of another form, or the term of office ending, retain for 6 years .	Paper. The register of interest forms of current Councillors are published via the MDC website.	Statutory Town & Parish Clerks required to keep MDC informed of changes e.g. resignations, new Co-optee's etc.
DP2.7	Declaration of Acceptance of Office: Each Councillor signs this declaration upon appointment.	Once the Councillor has ceased to be in office these can be destroyed after 6 years .	Paper form	Statutory – Local Government Act 1972

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DP2.8	Partnership, Agency & External Meetings Process of preparing business for partnership and agencies consideration and making the record of discussion, debate and resolutions, where the Local Authority legally owns the record. Process of preparing business for external committees' consideration, and making the record of discussion, debate and resolutions, where the Local Authority does not own the record	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Destroy 3 years after last action	- Documents establishing the body / partnership - Agendas - Minutes - Council Reports - Recommendations - Supporting documents such as Council briefing and discussion papers	Common practice Common practice
DP2.9	Honours and Submissions Preparation of honours submission	Destroy 1 year after last action	- Honours Nomination Form - Covering Documentation - Letters of Support - Referral for comment from Lord Lieutenant	Common practice
DP2.10	Staff Disclosure of Interests Register of staff gifts and hospitality Staff register of interests	Destroy 1 year after record Destroy 3 years after each record	Declaration of the offer of gifts or hospitality to staff Declaration of the interests of staff which may affect their work with the Council	Common practice
DP2.11	Constitution Constitution of the Maldon District Council	Permanent storage at MDC. Need the ability to review earlier versions of the Constitution as part of considering actions taken.	Constitution	Common practice

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Legal and Contracts

LC1
Legal Services

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
LC1.1	Litigation Process of managing, undertaking or defending for or against litigation on behalf of the Local Authority	Destroy 6 years after last action	• Criminal Case File • Civil Case File • Correspondence	Statutory
LC1.2	Advice Process of providing legal advice on a point of law	Destroy 6 years after last action	• E-mail queries • Memorandums/briefing notes	Statutory
LC1.3	Agreements Process of agreeing terms between organisations. Note: this does not include contractual agreements	Destroy correspondence files relating to any agreement 6 years after agreement in place if executed under hand or for 12 years if executed as a Deed	• Concordat • Agreements • Contracts • Deeds	Statutory
LC1.4	Conveyance (see also Property Acquisition and Disposal) Process of changing ownership of land or property	Destroy correspondence 12 years after closure	• Conveyancing Files	Statutory
LC1.5	Bye Laws - Enactment The process of making local laws	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Good practice

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LC1.6	Administration & Enforcement The process of administering and enforcing bye laws	Destroy 6 years after certificate has expired or penalty payment has been made or the matter has been finished or correspondence on the matter has ceased	• Applications and Certificates • Permits • Licenses • Infringement Notices (Parking) • Correspondence • Bye law enforcement • FPN enforcement	Statutory
LC2 Contract Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
LC2.1	Contracts and Tendering Pre Contract Advice Process of calling for expressions of interest	Destroy 2 years after contract let or not proceeded with	• Expressions of Interest	Common practice
LC2.2	Specification and Contract Development Process involved in the development and specification of a contract	Ordinary Contracts Destroy 6 years after the terms of contract have expired Contracts Under Seal Destroy 12 years after the terms of contract have expired	• Tender Specification Note: For project files containing drafts leading to a final version these records can be destroyed	Statutory
LC2.3	Tender Issuing and Return Process involved in the issuing and return of a tender	Destroy 1 year after start of contract	• Opening Notice • Tender Envelope	Common practice

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LC2.4	Evaluation of Tender Successful Tender Document Unsuccessful Tender Documents	Ordinary Contracts Destroy 6 years after the terms of contract have expired Contracts Under Seal Destroy 12 years after the term of contract have expired Destroy 1 year after start of contract	• Tender Documents • Quotations	Statutory Common practice
LC2.5	Post Tender Negotiation Process in negotiation of a contract after a preferred tender is selected	Destroy 1 year after the terms of contract have expired	• Clarification of Contract • Post Tender Negotiation Minutes	Common practice
LC2.6	Awarding of Contract The process of awarding of contract	<u>Ordinary Contracts</u> Destroy 6 years after the terms of contract have expired <u>Contracts Under Seal</u> Destroy 12 years after the terms of contract have expired	• Signed Contract	Statutory
LC2.7	Contract Management Contract operation and monitoring Management and amendment of contract	Destroy 2 years after the terms of contract have expired <u>Ordinary Contracts</u> Destroy 6 years after the terms of contract have expired <u>Contracts Under Seal</u> Destroy 12 years after the terms of contract have expired	• Compliance / Performance Reports • Minutes and Papers of Meetings • Changes to Requirements • Variation Forms • Extension of Contract • Complaints • Disputes on Payment	Common practice Statutory
LC2.8	Localism Management of the Community Rights	Assets of Community Value Destroy 5 Years after receipt of nomination Community Right to Challenge Destroy 5 years after receipt of challenge	• Nomination Forms and correspondence • Appeal documentation • Entry on Assets Register	

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			amended Challenge notification	
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2020 MDC Document Retention Schedule

Strategy & Management

**SM1
Strategy**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SM1.1	Corporate Planning and Reporting Developing corporate strategies and planning and reporting activities	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded To be retained with committee minutes when approved by Council	- Corporate Plans - Strategic Plans - Business Plans - Annual Reports	Common practice
SM1.2	Preparing business for strategic consideration and making the record of discussion, debate and resolutions	2 years	- Corporate Leadership Team minutes - Task & Finish Group minutes	Common practice
SM1.3	Preparing business for service, team or forum consideration and recording discussion, debate and resolutions	3 years from closure	- Directorate or Team meeting minutes - Managers Forum minutes	Common practice
SM1.4	Statutory Returns Preparing information to be passed on to central government as part of statutory requirements	7 years from closure	Returns to Central Government	Statutory
SM1.5	Policy, Procedures, Strategy and Structure Activities that develop policies, procedures, strategies and structures for the Local Authorities	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded Digital copies kept only	- Policy, procedure, precedent, instructions - Records relating to policy development & implementation - Corporate and Service Plans and Strategies and Policies	Common practice

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SM1.6	Process of monitoring and reviewing strategic plans, policies or procedures to assess their compliance with guidelines	3 years after end of plan or policy	• Strategic Action Plans • Service specific improvement plans • Policy Reviews	Common practice
SM1.7	Public Consultation Process of consulting the public and staff in the development of corporate policies or strategic plans	2 years from closure	• Survey and questionnaire forms; list of consultees and responses • Citizens Panel feedback • Staff surveys & results	Common practice
SM1.8	Process of consulting the public and staff in future budget development	2 years from closure	• Budget Consultation papers • List of consultees and responses • Citizens Panel feedback	Common practice

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SM2 Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SM2.1	Information Management Activity whereby standards, authorities, restraints and verifications are introduced and maintained to manage information effectively	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Classification Schemes • Registers • Indexes • Authorised Lists of File Headings	Common practice
SM2.2	Management of collections of records transferred to the archives	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Accession Registers • Depositor Files	Common practice
SM2.3	Process that records the disposal of records	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Disposal Certificates/logs/deeds	Common practice
SM2.4	Feedback Management of enquiries, submissions and complaints which result in significant changes to policy or procedures	2 years retention - i.e. the current year and previous year.	• Reports • Returns • Correspondence	Common practice
SM2.5	Management of detailed responses on Council actions, policy or procedures	Destroy 2 years after administrative use is concluded	• Reports • Returns • Correspondence • Ombudsman	Common practice

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SM2.6	Quality & Performance Management Monitoring or reviewing the quality, efficiency, or performance of a Council service	Destroy 3 years from closure	- Peer Reviews reports - Assessment / Inspection Reports	Common practice
SM2.7	Process of assessing the quality, efficiency or performance of a Local Authority service	Destroy 3 years from closure	Excellence assessments	Common practice
SM2.8	Public Relations <u>Publications</u> - Design and setting of information for publication	Destroy 2 years after last action	Proofs, templates of publications / promotional literature etc.	Common practice
SM2.9	The published work of the Local Authority	Destroy after administrative use is concluded Note: one copy from the initial print run should go directly to the archive.	- Leaflets / guides produced - Strategies / Plans published	Common practice
SM2.10	Media Relations Process of interaction with the media	Press releases to be kept permanently and considered for transfer to Archive/Museum after 5 years. Other correspondence to be reviewed for Archive or destruction after 3 years .	- Press releases - E-mail correspondence with the press	Common practice
SM2.11	Marketing Process of developing and promoting Council campaigns and events	Destroy after administrative use is concluded <u>Note:</u> one copy from initial print run should go directly to archive	- Publicity flyers / posters - Guides	Common practice
SM2.12	The process of organising a ceremonial event or civic occasion.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Consider transfer to Archive/Museum after 10 years .	- Itinerary - Invitations - Visitors' Book - Photographs	Common practice

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Strategic Housing

SH1
Strategic Housing

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SH1.1	Housing Provision Process of dealing with Homeless applications	Destroy 6 years after the end of the financial year in which the records were created	• Homeless Application Forms • Case Notes • Homelessness Decisions • Correspondence • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information	Statutory – Housing Act(s)
SH1.2	Homelessness Reviews	Destroy 6 years after the end of the financial year in which the records were created	• Homeless Application Forms • Case Notes • Homelessness Decisions • Correspondence • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information • Legal Judgement	Statutory – Housing Act(s)

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SH1.3	General Housing Advice	Destroy 6 years after the end of the financial year in which the records were created	• Homeless Prevention Application Forms • Case Notes • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information	Statutory – Housing Act(s)
SH1.4	Stock Transfer Records	Permanent Storage at MDC	• Agreement • Property Records	Common practice
SH1.5	Copies of Statutory Housing Returns e.g. HIPSSA	Destroy 6 years after the end of the financial year in which the records were created	• Copies of actual returns • Audit Trails	Common practice
SH1.6	Statistical data for Housing performance indicators	Destroy 6 years after the end of the financial year in which the records were created	• Copies of actual returns • Audit Trails	Common practice
SH1.7	New Development	Destroy once development occupied	Land Registry Transfer of Title docs Nomination agreements Grant confirmation Viability assessments Customer satisfaction returns	Common practice
SH1.8	Process of dealing with online Choice Based Lettings applications (Housing Register).	Destroy 6 years from closure of application Records retained for duration of 'active' application and inclusion on waiting list. Documents reviewed along with application every 12 months. Non-relevant and superseded documents destroyed.	CBL Application Form • Bank statements • Relevant medical information • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information	Statutory – Housing Act(s)
SH1.9	Process of dealing with Private	Destroy 7 years after completion of lease.	• Homeowner acceptance form	

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	Sector Leasing.		• Grant spend invoice • Work specification • Nomination details	Statutory – Housing Act(s)
SH1.10	Process of dealing with Empty Homes.	Retain for the duration for which there is an administrative requirement (i.e. property remain empty or proceedings being undertaken).	• Land Registry • Council tax empty property list • Letters to owners • Photographs of empty properties • Other letters and correspondence	Common practice

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Human Resources

HR1 Human Resources				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
HR1.1	Employee Data: Personal Data / Files	Destroy 7 years from the end of employment Retain for references and potential litigation. UPDATE: Due to <u>McCloud Judgement</u> and its potential impact on the LGPS; The Council will retain a complete payment history for every employee who was actively contributing to the pension scheme from 31 March 2014. This will be updated further once a judgement has been received. This update applies to Ref. No. HR1.1 – HR1.3, HR1.5 – HR1.26, HR1.28 and FM1.8.	Electronic personnel files for all employees, including disciplinary, grievance, capability and health management records. As standard personnel files include the following documents: • Application form • Equal Opportunities Monitoring Form • References • Proof of right to work in UK / ID documents (such as passports, visas etc) • Form including emergency contact details and bank details • Occupational Health pre-employment fitness clearance • Evidence of skills and qualifications • Information regarding any disabilities disclosed and reasonable adjustments • Results of DBS checks where applicable • Results of BPSS checks where applicable • Training records • Medical / self-certificates and return to work forms • Contract of employment, written statement of terms and related correspondence • Contractual change documentation • Special leave forms • Bank details form • LGPS (pension) form	Common Practice

2020 MDC Document Retention Schedule

			- Local government continuous service confirmation - Job description - Probation documentation - Personal relationship declarations - Job description Personal data held electronically on the HR database includes: - Name, address, contact details, date of birth, National Insurance number, emergency contact - Equality and diversity data (e.g. gender, ethnic origin, disability, nationality, religion/belief, sexual orientation) - Absence history - Job history - Training records - Confirmation of LGPS membership	
HR1.2	Employee Data: DBS & BPSS Checks	Destroy after 6 months Retention period only 6 months to allow for the consideration and resolution of any related disputes or complaints.	Proof that check took place to be maintained separately in secure storage. No details to be kept in employee file. Only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory.	Information Commissioner's Office, Employment Code 2005
HR1.3	Employee Data: Basic employee record	Destroy 20 years from the end of employment Retain for the provision of references, statistical historical purposes	Employee start date, end date, reason for leaving job, job roles	Common Practice
HR1.4	Recruitment: Application forms / interview notes (unsuccessful applicants)	12 months from the date of interviews Retention period aligned to time limits for potential discrimination Acts related claims.	Application forms / interview notes	Common Practice

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HR1.5	Redundancy: Facts relating to redundancies	Destroy 7 years from the date of redundancy Retention period aligned to time limits on litigation.	Facts relating to redundancies including: • General details • Calculation of payments • Refunds	Common Practice
HR1.6	Redundancy: Facts relating to redundancies where there are more than 20 redundancies	Destroy 12 years from the date of redundancy	Facts relating to redundancies including: • General details • Calculation of payments • Refunds • Notification to the Secretary of State	Statutory: Section 5 Limitation Act 1980
HR1.7	Employee Pay: Statutory Sick Pay records and calculations	Destroy 7 years from the end of employment NB: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. The retention period is therefore recommended if there was a contractual claim for breach of employment contract.	All related records and calculations	Common Practice
HR1.8	Employee Pay: Statutory Maternity Pay records and calculations	Destroy 3 years from the end of the tax year they relate to	All related records and calculations including: • Pay records • Calculations • Certificates (MatB1s) or other medical evidence	Statutory Maternity Pay (General) Regulations 1986
HR1.9	Employee Leave: Adoption records and supporting documents for maternity and paternity leave (not pay related)	Destroy 7 years from the end of employment	Documents related to: • Requests/declarations • Confirmation of leave • Adoption certificate	Common Practice
HR1.10	Employee Leave: Parental Leave	Destroy 18 years from birth / adoption	All parental leave records	Common Practice

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		Retention periods aligned to time limits on potential litigation		
HR1.10	Attendance: Records related to working time	Destroy 7 years from end of leave year in which it was taken.	Working time records including timesheets and overtime records	Statutory: Working Time Regulations 1998 (SI 1998/1833)
HR1.11	Attendance: Other records related to staff leave	Destroy 7 years after action completed.	Sick leave Jury Service Study Leave Special / personal leave Territorial army / special constabulary / retained fire fighter leave	Common Practice
HR1.12	Health Records: Health Records where the reason for termination of employment is connected with health	Destroy 7 years from the end of employment Retention periods aligned to time limits on potential litigation	All relevant health records	Common Practice
HR1.13	Health Records: Medical records kept by reason of the Control of Substances Hazardous to Health Regulations 1999	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677)
HR1.14	Health Records: Medical records and details of biological tests under the Control of Lead at Work Regulations	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676)

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HR1.15	Health Records: Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Asbestos at Work Regulations 2002 (SI 2002/2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)
HR1.16	Health Records: Medical records under the Ionising Radiations Regulations 1999	Until the person reaches 75 years of age, but in any event for at least 50 years .	All relevant records	Statutory: The Ionising Radiations Regulations 1999 (SI 1999/3232)
HR1.17	Trade Union Liaison: Employee and Industrial Relations Documents relating to industrial relations or disputes	Destroy 7 years after resolution of issue.	• Generic Agreements and Awards • Negotiations • Disputes • Claims Lodged	Common Practice
HR1.18	Trade Union Liaison: Process of <u>minor</u> and <u>routine</u> industrial matters	Destroy 2 years after administration is concluded.	Daily industrial relations management	Common Practice
HR1.19	Case Work File: Grievances	Review 7 years after date of last action (minimum retention). Head of People, Performance and Policy to determine if case file should continue to be retained and for how long.	Includes: • Investigation documentation • Case notes • Management reports • Proceedings where proven to be unfounded • Other related documentation	Statutory: Section 5 Limitation Act 1980
HR1.20	Case Work File: Disciplinary	Review 7 years after date of last action (minimum retention). Head of People, Performance and Policy to determine if case file should continue to be retained and for how long.	Includes: • Investigation documentation • Case notes • Management reports • Proceedings where proven to be unfounded • Warning letters	Statutory: Section 5 Limitation Act 1980

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			Warnings to be removed from personnel files after the relevant time has 'spent' as per the Disciplinary Policy.	
HR1.21	Case Work File: Disciplinary – Warnings involving children	In such circumstances records should be retained at least until the employee reaches normal retirement age , or for 10 years if that is longer.	Includes: - Investigation documentation - Case notes - Management reports - Proceedings where proven to be unfounded - Warning letters	Statutory: Section 5 Limitation Act 1980
HR1.22	Case Work File: Disciplinary – Warnings involving vulnerable adults	In such circumstances records should be retained at least until the employee reaches normal retirement age , or for 10 years if that is longer.	Includes: - Investigation documentation - Case notes - Management reports - Proceedings where proven to be unfounded - Warning letters	Statutory: Section 5 Limitation Act 1980
HR1.23	Equal Opportunities: Equal Employment Opportunities: The process of investigation and reporting on specific cases to ensure that obligations are in accordance with agreed Equal Opportunities guideline policies	Destroy 5 years after action completed	Case file / notes	Statutory: Section 5 Limitation Act 1980
HR1.24	Employee Performance: (Personal file) Performance Review and Performance Conversation Documentation	Destroy 7 years from the end of employment	Performance Review and Performance Conversation forms / documentation	Common Practice
HR1.25	Job Evaluation: (Personnel file)	Destroy 7 years from the end of employment	Pay and conditions / grading review requested by employee including outcome and appeal	Common Practice
HR1.26	Job Evaluation: (General file)	Destroy 15 years from job evaluation exercise and final grade approval (unless connected to a pay and conditions / grading review)	Job evaluation forms, job descriptions, rationale and assessments	Common Practice

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HR1.27	Strategic HR Plans	Destroy 12 years after actions completed	Strategic HR plans	Common Practice
HR1.28	Appointments of Statutory Officers: The appointment of an individual for a statutory position	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Appointment files	Statutory: Section 5 Limitation Act 1980
HR1.29	Appointments of Statutory Officers: The process of <u>selection</u> of an individual for a statutory position	Destroy 1 year after date of appointment (if process applicable – does not currently exist)	- Vacancies and Application Records - Interview Notes - Prospective Staff Records - Registers of Applicants - Unsuccessful Applications Records	Statutory: Section 5 Limitation Act 1980
HR1.30	Training and Development: Routine staff training processes, not occupational health and safety or children related	Destroy 2 years after action Ongoing staff records are kept digitally on the HR system.	Course instructions Course evaluation	Statutory: Section 5 Limitation Act 1980
HR1.31	Training and Development: Training (concerning children)	Destroy 35 years after training completed, or last entry.	Course instructions Course evaluation Training register	Statutory: Section 5 Limitation Act 1980
HR1.32	Training and Development: Training (occupational health and safety training)	Individual course assessment records should be destroyed once the training has been renewed every 3 years . Ongoing staff records are kept digitally on the HR system.	Course evaluation OH&S training register	Statutory: Section 5 Limitation Act 1980
HR1.33	Off Payroll Workers Data: (Agency)	Destroy on termination of working arrangement	- Proof of right to work in UK / ID documents (such as passports, visas etc) - Contact details - Emergency contact details - DBS check - only retain details on personal file that	Common Practice Information Commissioner's Office, Employment Code 2005 (DBS Checks)

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			check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory.	
HR1.34	Off Payroll Workers Data : (Consultants)	Retain 7 years after the tax year to which they relate	• Proof of right to work in UK / ID documents (such as passports, visas, etc.) • Contact details • DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory.	Common Practice
HR1.35	Off Payroll Workers Data: HMRC Check	Retain 7 years after the tax year to which they relate	HMRC Off Payroll Workers On-line Check	Common Practice
HR1.36	Off Payroll Workers Data: (Consultants)	Retain 7 years after working arrangement has terminated with organisation	Proof of Professional Indemnity Insurance and Public Liability Insurance	Common Practice
HR1.37	Work Experience / Placement Individuals: (18 years and over)	Retain 2 years after arrangement has terminated with organisation	• Contact details • Emergency contact details • Date of birth • ID checks • DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory. • References (if applicable) • Pre-commencement health check (if applicable)	Common Practice
HR1.38	Work Experience / Placement Individuals: (18 years and under)	Retain 2 years after arrangement has terminated with organisation	• Contact details • Emergency contact details • Date of birth • ID checks	Common Practice

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			• Young person's risk assessment • References (if applicable) • Pre-commencement health check (if applicable)	
HR1.39	Zero Hours Workers Data	Retain 7 years after arrangement has terminated with organisation	Relevant data as per HR 1.1	Common Practice
HR1.40	Workplace Volunteers	Retain 2 years after arrangement has terminated with organisation	• Contact details • Emergency contact details • Date of birth • ID checks DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory. • Pre-commencement health check (if applicable)	Common Practice

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Financial Management

FM1**Accounts & Audit**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM1.1	Reporting The process that consolidates financial transactions on an annual basis for corporate reporting purposes	Destroy 6+1 years after the financial year has ended.	- Consolidated Annual Reports - Consolidated Financial Statements - Statement of Financial Position - Operating Statements - General Ledger	Common practice
FM1.2	The process that supports and consolidates financial transactions on a periodic (less than annual) basis, superseding those from the previous period. Does not include journals and subsidiary ledgers and cash books	Destroy when administrative use is concluded	- Consolidated Monthly & Quarterly Reports - Consolidated Monthly & Quarterly Financial Statements - Working Papers for the Preparation of the Above - Monthly Accrual Statements - Cash flow Statements - Creditor Listings and Reports - Debtor Listings and Reports - Delivery Notes/Supplier Statements	Common practice
FM1.3	Financial Transactions Management Management of the approvals process for purchase, including investigations	Destroy when administrative use is concluded	- Appointments & Delegations - Audit Investigations - Arrangements for the provision of goods and/or services	Common practice
FM1.4	Identification of the receipt, expenditure and write offs of public monies	Destroy 6+1 years after the conclusion of the financial transaction that the record supports	- Allowances - Work Orders - Invoices - Credit Card Statements	Statutory

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			• Cash Books • Receipts • Cheque Counterfoils • Bank Statements • Subsidiary Ledgers (Annual) • Journals (Annual) • Vouchers	
FM1.5	Processes that balance and reconcile financial accounts	Destroy 3 years after administrative use is concluded	• Reconciliation • Summaries of Accounts	Common practice
FM1.6	Taxation Records	Destroy 6+1 years after the end of the financial year in which the records were created	• Taxation Records • Motor Vehicle Logs • Fringe Benefits Tax Records • Group Certificates	Statutory
FM1.7	Processes involved in the collection of National Insurance Number	As soon as no longer required.	• Notification and Input Records	Statutory
FM1.8	Payroll Accountable processes relating to payment of employees	Destroy 6+1 years after the conclusion of the financial transaction that the record supports	• Authority Sheets • Payroll Deduction Authorities • Payroll Disbursement • Employee Pay Records • Employee Taxation Records	Statutory
FM1.9	Non-accountable process relating to payment of employees	Destroy after administrative use is concluded	• Summary Employee Pay Reports • Dummy pay slips	Common practice
FM1.10	Non-accountable process relating to payment of employees	Destroy after administrative use is concluded	• Summary Employee Pay Reports • Dummy pay slips	Common practice

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FM2 Financial Provisions				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM2.1	Budgets and Estimates The process of finalising Local Authorities' Annual Budget	Destroy 6+1 year after relevant year has concluded.	Annual Budget	Common practice
FM2.2	The process of developing Local Authorities' Annual Budget	Destroy 3 years after annual budget adopted by Local Authorities	- Draft Budgets - Departmental Budgets - Draft Estimates	Common practice
FM2.3	The process of reporting which examines the budget in relation to actual revenue and expenditure	Destroy after next year's Annual Budget has been adopted by Local Authorities	Quarterly Statements	Common practice
FM2.4	Loans The activity of borrowing money to enable a Local Authority to perform its functions and exercise its powers	Destroy 6+1 years after the loan has been repaid [None held at present?]	Loan Files	Statutory
FM2.5	Summary Management of loans	Destroy 6+1 years after administrative use is concluded	Loans Registers	Common practice
FM2.6	Housing Mortgages	Last payment + 6+1 years if signed Last payment + 12 years if sealed	- Mortgage Agreements - Correspondence	Statutory
FM2.7	Home Improvement Grants	Destroy 6+1 years after last payment for grants under £50,000. For grants over £50,000 destroy 12 years after last payment Where plans and detailed drawings included offer to Archivist	- Agreement to Pay Loan - Details of Payment - Correspondence Relating to Loan - Approval notice - Application documents	Statutory

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FM2.8	Council Tax Valuation The valuation of rateable land within a municipal district for the purpose of the making of the rate	Valuation lists – Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Rate Books • Rate Cards • Register of Rateable Properties	Statutory

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FM3 Revenues & Benefits				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM3.1	Council Tax and Non Domestic Rate Administration The activity corresponding with ratepayers and Council Tax Payers in relation to liability, objections, submissions, appeals, discounts, reductions, exemptions and other related matters.	Electronic records – destroy 6 years after the end of the financial year in which the records relate Paper records after scanning – destroy 3 months after the records have been scanned (for QA process).	• Notices • Objections • Applications • Correspondence • Council Tax and Non Domestic Rate Property Files • Tax and Interest information	Statutory Common practice
FM3.2	Housing Benefit and Council Tax Benefit/Support The activity corresponding with claims for Housing/Council Tax Benefit and/or Local Council Tax Support(LCTS), appeals, requests for reconsideration of decisions, records of investigations and visits	Electronic records – Destroy 6 years after the end of the financial year in which the records relate Paper records after scanning – destroy 3 months after the records have been scanned (for QA process).	• Benefit/LCTS claim forms • Letters • Appeals and requests for reconsiderations • Copies of evidence used for verification of claim • Records of visits and investigations	Statutory
FM3.3	Council Tax / Non Domestic / Housing/Council Tax Benefit & Local Council Tax Support Statutory and Statistical Returns	Electronic records – Destroy 6 years after the end of the financial year in which the records were created	• Stats 128 • Stats 121 • Stats 122 • Stats 124 • QRC4 • NNDR1 • NNDR3 • CTB1	Common practice
FM3.4	Housing/Council Tax Benefit Financial returns The process that consolidates financial transactions on an annual basis for the purposes of the initial, revised and final subsidy claim to the Department of Work	Destroy 6 years after the end of the financial year in which the records were created	• Estimate submission • Final signed subsidy claim • Final Audited subsidy claim	Statutory

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	and Pensions			
FM3.5	Fraud Investigation Records relating to the investigation and any subsequent sanction, penalty or prosecution	No fraud proved – Destroy 12 months from closure of file Penalty or sanction – Destroy 3 years from date accepted by claimant Prosecution – Destroy immediately after the conclusion of proceedings (after the appeal period has passed) from date of conviction or for the duration of the conditional discharge	• File records • Interview notes • IUC Tapes	Common practice

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Council Asset & Infrastructure Management

AI 1 Property Acquisition & Disposal				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 1.1	<u>Acquisitions</u> Assets over £50,000 Any papers concerning the management of the acquisition (by financial lease or purchase) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	• Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents • Conditions of Contracts • Certificates of Approval	Statutory RGLA 7.29 Limitations Act 1980
AI 1.2	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980
AI 1.3	Deeds	Permanent retention – in Strong Room	• Deeds and associated documentation	
AI 1.4	<u>Disposal</u> Assets over £50,000 Documents relating to the management of the disposal (by sale or write off) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	• Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents	Statutory RGLA 7.29 Limitations Act 1980

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			• Conditions of Contracts • Certificates of Approval	
AI 1.5	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980
AI 1.6	Sale or write off of property Management of the disposal (by sale or write off) process for real property	Destroy 15 years , after all obligations / entitlements are concluded	• Legal Documents relating to the purchase / sale • Particulars of Sale Documents • Survey particulars • Tender Documents • Conditions of Contracts	Common practice RGLA 8.3

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AI 2 Land & Property Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 2.1	Accessibility Documentation and information relating to the access of property owned by the Council	Destroy - 7 years from closure	- Key-holder Information - Details of Contractors	Common practice
AI 2.2	Building surveys Data collected from surveys conducted on council buildings	Destroy - 7 years from closure	- Condition Surveys - Warranties	Common practice
AI 2.3	Certification Certificates of approval	Destroy - 7 years from closure	Statutory Surveys	Common practice
AI 2.4	Energy management Within Council property	Destroy - 7 years from closure	- Council's Energy Management contract - Energy Performance Certification	Common practice
AI 2.5	Equipment disposal Process involved in the disposal of Council equipment	Destroy - 7 years from closure	Agreements to dispose of equipment	Common practice
AI 2.6	Internal agreements Specific to internal agreements concerning Council property	Destroy - 7 years from closure Normally reviewed annually or periodically during life of agreement. Destroy 2 years after expiry of agreement.	Internal SLAs / internal departmental agreements	Common practice

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AI 2.7	Land and property history Historical documents about Council owned land and property	Retain for life of property or building plus 12 years . Consider transfer to Essex Records Office depending upon nature of document/building before destruction.	Plans	Common practice RGLA 8.2
AI 2.8	Leasing The process of managing leased property	Destroy 15 years after the expiry of the lease	- Lease agreements - Valuation queries - Applications for leases/licences	Common practice RGLA 8.8
AI 2.9	Managing the occupancy of property	Destroy 7 years after the conclusion of the transaction that the record supports	Requests for Works, Cleaning etc.	Common practice RGLA 8.9
AI 2.10	Property management and renovation Buildings and estates of 'special interest' Other buildings and estates	Transfer to place of deposit after administrative use is concluded Retain for the life of the building	- Project Specifications - Plans - Installation Manuals - Certificates of Approval - Work Orders - Tender Documents - Conditions of Contract	Common practice RGLA 8.5 RGLA 8.6
AI 2.11	Security Security and processes related with security of the council's property	Destroy 7 years after the conclusion of the process that the record supports.	Documentation held by Facilities Management	Common practice
AI 2.12	Usage statistics Any data held concerned with usage of Council land property	Destroy - 3 years after expiry of lease / agreement	Documentation held by occupier, if requested	Common practice
AI 2.13	Valuations Valuation documentation and statistics	Destroy - 6 years from end of financial year after disposal of property	Valuations on disposal	Common practice

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AI 3 Maintenance of Council Property				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 3.1	Maintenance Instruction manuals related to council property	Destroy - 7 years after last action	• Instruction manuals	Common practice RGLA 7.27
AI 3.2	Planned maintenance Relating to the process of managing and undertaking planned maintenance of property	Destroy - 7 years after last action	• Cleaning • Painting • Garden maintenance	Common practice RGLA 7.27
AI 3.3	Refurbishment Relating to the process of managing and undertaking planned renovations and development of property	Destroy - 7 years after last action	• Work orders • Tender documents • Conditions of contracts	Common practice RGLA 8.7
AI 3.4	Responsive maintenance Relating to the process of managing and undertaking emergency maintenance of property	Destroy - 7 years after last action	• Cleaning • Painting • Garden maintenance	Common practice RGLA 7.27

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AI 4 Information & Communication Technology				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 4.1	ICT Systems Management Computer Systems documentation	Destroy after 2 years	Release notes & associated implementation documents	Common practice
AI 4.2	Project documentation for system(s) implementation	Destroy after 6 years	- Implementation Plan - Project initiation Document (PID) - Project documentation & notes - Software Licensing Agreements	Common practice
AI 4.3	Technical data relating to Information & Communication infrastructure	Reviewable Destroy records as they become obsolete or are no longer required.	Supplier details	Common practice
AI 4.4	Records of internet use	Delete 3 months (recurring 99 days as per system)		Common practice
AI 4.5	E-mail records	Destroy 6 years after date of email		Common practice

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AI 5 Transport Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 5.1	Transport Management - The process of managing allocation and maintenance of vehicles	Destroy 7 years after the sale or disposal of the vehicle	• Approvals as Drivers • Allocations & Authorisations for Vehicles • Maintenance	RGLA 8.15
AI 5.2	Acquisition and disposal of vehicles through lease or purchase	Destroy 7 years after the disposal of the vehicle	• Leases • Contracts • Quotes • Approvals • Fleet Authorisation Numbers	RGLA 8.14
AI 5.3	Recording vehicle usage	Destroy 3 years after the sale or disposal of the vehicle	• Vehicle Usage Reports	RGLA 8.16
AI 5.4	Recording drivers usage	Destroy 7 years after closure	• Vehicle Log Book	RGLA 8.17

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AI 6 Insurance				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 6.1	Policy Management The summary management of insurance arrangements	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Insurance Policies	Statutory
AI 6.2	The process of insuring Local Authority Officers, property, vehicles and equipment against negligence, loss or damage	Destroy 6+1 years after the terms of the policy have expired	- Insurance Register - Correspondence	Statutory
AI 6.3	The process of renewing insurance policies	Destroy 6+1 years after the insurance policy has been renewed	- Insurance Policy Renewal Records - Correspondence	Statutory
AI 6.4	Claims Management The process that records insurance claims against the Local Authority or Local Authority Officers	Destroy 6+1 years after all obligations/entitlements are concluded (allowing for the claimant to reach 25 years of age)	- Claims Records - Correspondence	Statutory

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AI 7 Health & Safety				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 7.1	Inspections and Assessments Process of inspecting equipment to ensure it is safe	Destroy 6 years from disposal of the equipment	Equipment Inspection Records	Common practice
AI 7.2	Process of carrying out monitoring to ensure that a work process is safe	Keep for 21 years before considering destruction	- Monitoring Results - Inspection reports - Maintenance records	Common practice
AI 7.3	Process of monitoring of areas where employees and persons are likely to have become in contact with asbestos	SRP - Destroy 40 years from date of last entry	- Property Asbestos Files - Health Surveillance reports - Medical records under Control of Asbestos at Work Regs.	Statutory
AI 7.4	Process of monitoring of areas where employees and persons are likely to have come in contact with radiation	SRP – Retain until the person reaches 75 years of age but in any event for at least 50 years	- Radon Monitoring - Health Surveillance reports - Medical reports under Ionising Radiations Regs. 1999	Statutory
AI 7.5	Process to ensure safe systems of work	Retain until superseded or process ceases +1 year	- Departmental Procedure Notes - Method Statements	Common practice
AI 7.6	Process to assess the level of risk	Destroy 3 years from last assessment	Risk Assessment	Common practice
AI 7.7	Permits to work	Destroy 3 years from last action or expiry before considering destruction	- Fire Safety Certificates - First Aid Certificates	Common practice
AI 7.8	Reporting of accidents	SRP – 3 years from the date of the last entry (or if the accident involves a child/young adult then until that person reaches age of 21 years).	- Accident Books - Accident records/reports	Common practice

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AI 8 Emergency Planning				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 8.1	Emergency Plan Process to develop the emergency / disaster plan for the local community	Destroy when plan superseded	- Civil Emergency Plan - Business Continuity Plan	Common practice
AI 8.2	Process of recording the results of the test for emergency/disaster plan for the local community	Destroy 3 years after closure or until similar test is undertaken, whichever is the longest.	- Exercise Orders - Results of Exercise - Action Plan	Common practice
AI 8.3	Incident Monitoring Activities that report on all major incidents in the local community, whether the Emergency Plan has been invoked or not.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Longer-term consider transfer to Archive/Museum of local history.	Incident Log	Common practice
AI 8.4	Activities that report on all minor incidents in the local community, whether the Emergency Plan has been invoked or not.	Destroy 7 years after closure	- Exercise Orders - Results of Exercise - Action Plan	Common practice
AI 8.5	Staff contact details on FastSMS system used to alert staff in cases of emergency of disaster recovery plan initiation.	Remove from system when leaving organisation	Staff telephone numbers	Common practice

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General Public Services

GPS1**Investigation & Licensing**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS1.1	Enforcement, Certification and Prosecution Summary management systems that allow the monitoring and management of registration, certification and licenses registration requirements in summary form	Retain for as long as there is an administrative purpose (min 3 years)	- Public register - HMO Licensing/Inspections - Housing Act orders - Private water supply - Environmental permitting - Nuisances	Statutory/Common practice
GPS1.2	The administration of applications, registration, certification and licenses in relation to Local Authorities' registration requirements	Destroy 2 years after registration or entitlement lapses	- Applications for Animal Registration - Applications for registration of a Business Premises - Registers - Certificates of Registration of Taxi Drivers - Gaming Licensing	Statutory/Common practice
GPS1.3	The process involved in licensing sites for the holding or use of toxic or hazardous substances (including petroleum, agricultural chemical products or herbicides)	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded – 60 years after registration or entitlement lapses	- Diesel Licenses - Petroleum Licenses - Health and Safety Licensing - Hazardous Substances - Contaminated Land Register/Pollution	Statutory
GPS1.4	Notification The process of issuing notices to citizens with respect to particular responsibilities	Destroy 2 years after the matter is concluded	- Fire Prevention Notices - Fire Prevention Infringement Notices - Objections to Notices - Appeals Against Notices - Registration of Premises Infringement Notices - Animal Impounding Notices	Common practice

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GPS1.5	Investigation, Inspection and Monitoring The process of investigation and monitoring where inspection is the Council's responsibility by law.	Destroy 7 years from last action	• Inspection records • Certificates of compliance	Common practice
GPS1.6	Prosecution The process of prosecution or sanction of an individual or organisation for failing to comply with their legal responsibilities	Destroy 6 years from last action	• Prosecution / Sanction Files • FPN/PCN Files • Files relating to sanctions issued by CPOs (i.e. dog fouling, fly tipping, littering, etc.)	Statutory

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**GPS2
Cemeteries**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS2.1	Cemeteries Summary management systems that record the location of burials, identity of deceased individuals	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	- Register of Interments - Cemetery Register - Cemetery Plans - Exhumation records	Statute
GPS 2.2	The process of regulation of burials	Destroy 5 years after last action	- Permits - Applications - Orders	Common practice
GPS 2.3	Tributes Application, installation and maintenance of tributes (i.e. benches & plaques, etc.)	Destroy 5 years after last action* *Basic register of tributes kept permanently to assist informing those placing such tributes of any deterioration, damage, requirements to re-locate, etc.	- Permits - Applications - Details of location, type, inscription	Common practice

**GPS3
Waste Management**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS3.1	Waste Collection The process of arranging the collection or transportation of household waste	Destroy 3 years after last action taken	- Abandoned Vehicles - Bulky Waste - Domestic Waste	Common practice
GPS3.2	The process of arranging the collection or transportation of controlled waste	Destroy 6 years after last action taken	- Inspections, - Weighbridge tickets - Duty of Care	Common practice

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GPS3.3	The process of managing the Waste Transfer Site	Externally required returns – destroy after 6 years Internally required records (as per EA Permit) – destroy after 2 years	• Environment Agency returns • Waste Data Flow returns • Household Waste & Recycling Statistics • Fly-tipping data • Accepted waste • Rejected waste • Despatched waste • Site diary	Statutory Statutory
GPS3.4	The processing of managing optional waste collection services	• Green waste - Destroy 2 years after last action taken • Clinical waste – Destroy 6 months after end of service delivery • Fly tipping – 3 years	• Green waste collection • Clinical waste collection • Fly tipping	Common practice

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Planning & Development

PD1 Spatial Planning				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD1.1	Developing and producing Planning Policy documents setting out a vision, strategic direction and policy framework for the existing and future land use within the District.	Permanent Storage at MDC when plan superseded.	- Local Development Plan - Local Development Scheme - Supplementary Planning Guidance. - Background evidence to Plan preparations - research studies and surveys	Town & Country Planning Act 1990
PD1.2	Public and stakeholder consultation to gain approval for Planning Policy documents	Permanent Electronic Storage at MDC Representations are often requested after the Plans have been adopted and are reference points for other planning inquiries and enquiries. Archive on website	- Public Consultation Documents - Public Consultation Representations - Public Inquiry Documents – statements and evidence	Town & Country Planning Act 1990
PD 1.3	Natural and built heritage listing The activity of recording information on specific sites/areas of special interest including historic buildings, monuments and ecology.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded.	- Historic Listed Buildings Register - Buildings at Risk Register - Building Preservation Notices - Conservation Area Designations - Appraisals and Plans - Listed building records - Sites and Monuments Records - Archaeological Records - Ecological Records - Species Records - Definitive maps	Common practice RGLA 10.3

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PD2 Development Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD 2.1	Planning application registration & processing The process of controlling development of areas through applications for planning permission, prior approvals, listed building consent, advertisement consent, certificates of lawfulness and other such permissions	Transfer Planning Application register to Permanent Storage at MDC once the register has been completed (or at arranged intervals if it is held electronically). Scan all documentation.	• Planning Application Register • Planning Application Files and Plans • Decision Notices • Correspondence Relating to Any Objections • S.106 agreements • Article 4 Directions	Common practice RGLA 10.6
PD 2.2	Application processing related to planning appeals including enforcement appeals and other such proceedings lodged with the Planning Inspectorate.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	• Planning appeal files	Limitations Act 1980
PD 2.3	Pre-Application Enquiries and consultation communication relating to matters within other authorities.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	• Pre-application discussions and documents	Common practice
PD 2.4	The process of enforcing planning, building or land regulations	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	• Enforcement Notices • Stop Notices • Breach of Condition Notices • Section 215 Notices	Common practice

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PD 2.5	The process of protecting specific trees or a particular area, group or woodland, or hedges from deliberate damage or destruction.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	- Tree Preservation Orders - S.211 notices – work to trees in a Conservation Area - Hedgerow Retention Notices	Common practice RGLA 10.7
PD 2.6	The process of approving applications for grants to historic buildings	Destroy 5 years after administrative use concluded	1962 Act Historic Buildings Grant applications and correspondence	Common practice
PD3 Land Charges				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD 3.1	Producing an official Local Authority Search result & maintaining a statutory register The process of investigating any information held by the Council pertaining to a specific property or parcel of land.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	Statutory register of Local Land Charges searches	Land Charges Act 1975
PD 3.2	The retention of Local Authority search results and information provided by other departments and external organisations for verification purposes .	10 years retention of Electronic document Permanent retention of electronic data on TLC or relevant land charges system.	Copies of completed Local Land Charge searches	Land Charges Act 1975

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PD4 Street Naming & Numbering				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD4.1	Street naming and numbering Documentation on the street naming development naming and property numbering/naming	Permanent Storage at MDC in either electronic or paper format	• Street Files • Street Records Requests for: • Naming of Streets • Numbering of Houses	Common practice
PD5 Building Control				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD5.1	The process of regulating the planned use of land or buildings and inspecting building work to ensure compliance	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Building Control Registers • Building Regulation Full Plans • Building Notices • Inspection Reports	Building Act 1984 & Building Regulations 2000
PD5.2	The process of approving Building Control applications in relation to Listed Buildings	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	• Building Files • Plans • Specifications • Correspondence • Applications • Permits • Certificates	Building Act 1984 & Building Regulations 2000 RGLA 10.10

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PD5.3	The process of approving Building Control applications for all other buildings	These can be destroyed 15 years after construction completed, but our policy will be to retain for the time being to enable historic information to be provided and to consider the extent of scanning of all historic files to be scanned on the Document Management System (Comino) before they are destroyed. Note retention of pre-1974 files held by MDC as these include Planning Application records which require permanent storage .	• Building Files • Plans • Specifications • Correspondence • Applications • Permits • Certificates	Building Act 1984 & Building Regulations 2000 RGLA 10.11 & 10.12
PD5.4	The process of inspecting building work for the purpose of ensuring compliance	Destroy 15 years after the issue of a completion certificate	• Completion Certificate • Building Inspection Records	Building Act 1984 & Building Regulations 2000
PD6 Economic Development & Promotion				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD6.1	Advice to business Information on providing advice to new and existing businesses	Destroy – 7 years after scheme to which information relates is completed	• Promotional leaflets • Correspondence	Common practice
PD6.2	Business awards Information regarding business awards and grants	Destroy – 7 years after scheme to which grant relates is completed	• Nomination forms • Promotional literature • Grant award material	Common practice
PD6.3	Business development Information about activities designed to develop and encourage business development. Including externally funded projects and sustainability	Destroy – 7 years after scheme to which grant relates is completed	• Business associations • Business Fairs	Common practice

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PD6.4	Business development Information about activities designed to develop and encourage business development. Including externally funded projects and sustainability	Destroy – 7 years after scheme to which grant relates is completed	• Business associations • Business Fairs	Common practice
PD6.5	Regional Development Participation in sub/ regional regeneration developments and forums	Destroy – 7 years after scheme to which grant relates is completed	• Project files • Forum agendas, papers and minutes	Common practice
PD6.6	Business Intelligence The collection and management of economic and social data about the District	Destroy 20 years after the material is collected	• Socio economic data • Business surveys, responses & analysis	Common practice

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Safeguarding Children & Vulnerable Adults

S1
Safeguarding Children & Vulnerable Adults

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
S1.1	Safeguarding children & vulnerable adults The process of protecting children and vulnerable adult's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.	100yrs from date of birth.		Good practice
S1.2	Welfare concerns that are referred to Social Care or the Police. E.g. this would include concerns about physical, sexual, emotional or neglect of a child or physical, sexual, emotional, neglect, institutional, financial or discriminatory of a vulnerable adult, disclosures from a child or vulnerable adult about being abused or information from a third party which might suggest a child or vulnerable adult is being abused; concerns about a parent or another adult that uses our services, or a young person who has been abused by another young person.	Records should be kept for 6 years after the last contact with the service user unless longer retention is required to comply with any other statutory requirements, information contained therein is relevant to legal action which has been started, are archived for historical purposes, consist of a sample of records maintained for the purpose of retrospective comparison, involve the transfer of significant information with subject identification, on to aggregated files, relate to individuals and providers of services who have or whose staff have been judged to be unsatisfactory, or are held in order to provide the subject aspects of his or her personal history.		Good practice
S1.3	Welfare concerns that Community Services decide, after consultation, do not necessitate a referral to Social Care or the Police. In such circumstances a record should be made of the concern and the outcome.	Destroy the record 6 years after the child/vulnerable adult concerned ceases to use the service, unless the child or adult are continuing to use the services in the area that the referral initiated from.		Good practice

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S1.4	Concerns about people (paid and unpaid) who work with children, young people or vulnerable adults, for example, allegations, convictions, disciplinary action, inappropriate behaviour towards or vulnerable adults. E.g. where an employee has breached the code of conduct, a record of the behaviour, the action taken and outcome should be recorded.	Personnel files and training records (including disciplinary records and working time records) - retain for 6 years after employment ceases. However the records should be retained for a longer period if any of the following apply: • There were concerns about the behaviour of an employee where s/he behaved in a way that has harmed, or may have harmed, a child or vulnerable adult; • The employee possibly committed a criminal offence against, or related to, a child or vulnerable adult; • The employee behaved towards a child or vulnerable adult in a way that indicates s/he is unsuitable to work with children or vulnerable adults In such circumstances records should be retained at least until the employee reaches normal retirement age, or for 10 years if that is longer.	• Personnel files and training records (including disciplinary records and working time records).	Statutory
S1.5	Disclosure and Barring Service checks obtained as part of the vetting process.	The actual disclosure form must be destroyed after 6 months. However, it is advisable that organisations keep a record of the date of the check, the reference number, the decision about vetting and the outcome.		Statutory

*2020 MDC Document Retention Schedule***Version History**

Version Number	Date	Change
1.01	8/01/2018	S1.3 – Amend retention period to 6 years.
1.02	17/1/18	Safeguarding retention periods revised.
1.03	14/3/18	GPS3.3-4 retention periods amended
1.04	25/4/18	LC2.1-2.3 amended
1.05	5/6/18	HR Section updated.
1.06	04/02/2020	Updated due to McCloud Judgement and its potential impact on the LGPS. As noted at page 25.

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