

**Sunderland City Council Retention Schedule**

Ref Number	Business Function and Record Type	Retention Period	Action	Prompt	Notes and Statutory Requirements
<b>Legal Services</b>					
<p>The Limitation Act 1980 stipulates that proceedings to recover money must be made within 6 years of the money being due. If proceedings are not made within this time period, then a claim becomes redundant. Therefore many contractual records need to be retained for 6 years after the end of the contract. Special contracts under seal extend the limitation period to 12 years.</p> <p>If no statutory time limit applies to the record, then each case file should be judged on its individual merits, taking into account whether or not it sets a precedent, the local historical value of the information, the likelihood of the future need to refer to the record, and the risk of not having it.</p> <p>In any case, common sense should be exercised and if there has been recent correspondence on a file between the date of the prompt referred to below and the end of the retention period, care should be taken before a file is destroyed. If in doubt consult your section head or the Assistant Head of Law and Governance.</p>					
<b>Litigation</b>					
	Records documenting litigation between the organisation and third parties where a precedent is set.	Permanent	Archive after administrative use is concluded	Date of conclusion/ settlement of case	Limitation Act 1980
	Records documenting litigation between the organisation and third parties, which does not set a precedent.	Conclusion/Settlement of case + 6 years	Destroy	Date of conclusion/ settlement of case	Limitation Act 1980
<b>Legal Claims</b>					
	Records documenting the provision of legal support and representation for the organisation when dealing with claims by or	Conclusion/Settlement of claim + 6	Destroy	Date of conclusion/ settlement of	Limitation Act 1980

	against the organisation.	years		case	
<b>Legal Advice and Agreements</b>					
	The process of providing legal advice on a point of law.	3 years	Destroy	Date of last action	Common practice  Major precedents should be reviewed for permanent archive
	The process of agreeing terms between the Council and another organisation, (e.g. Concordat) (not contractual agreements).	6 years after termination of arrangements	Destroy	Date of last action	Common practice  Depending on the value of the agreement
<b>Leasing and Occupancy</b>					
	The process of managing leased property and land:  <ul style="list-style-type: none"> <li>• Lease and tenancy agreements (signed)</li> <li>• Valuation queries</li> <li>• Applications for leases, licences, and rental revision</li> </ul>	6 years	Destroy	Expiry or surrender date of the lease, licence or agreement	Common practice
	Subletting agreements	6 years	Destroy	Expiry date of the agreement	Common practice
<b>Planning and Land Use</b>					
	Tree Preservation Orders (current and revoked)	Keep order permanently. Destroy corres file after 12 years	Archive/Destroy	Date the order was made	Common practice

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	Compulsory Purchase Orders	Keep order permanently. Destroy corres file after 20 years.	Archive/Destroy	Coming into effect of the order	Common practice
<b>Conveyancing</b>					
	Records documenting the disposal of properties or land (sale or write off)	Destroy 6 years after all obligations or entitlements are concluded	Destroy	Date of disposal of the property or land	Common practice  Records regarding major or significant sales should be retained permanently
	Records documenting the acquisition of ownership of properties or use of properties by purchase, transfer, donation, lease or rental	6 years	Transfer to new owner when property disposed of	Date of ownership transfer	
	Deeds and certificates of title for properties owned by the organisation	Retain for life of ownership of property	Transfer to new owner when property disposed of	Date of ownership transfer	
	Records documenting negotiations for properties or land where the property or land was not acquired.	Closure of negotiations + 6 years	Destroy	Date of closure of negotiations	Limitation Act 1980
	Wayleave agreements	12 years	Destroy	Date of expiry of wayleave	Common practice
	Mortgages	6 years from redemption of	Destroy	Date of redemption of	Common practice

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		mortgage		mortgage	
	Appropriations (i.e. from one council land use to another)	Permanent	Archive	Transfer to place of archive once administrative use is concluded	
	Right to Buy	3 years or statutory discount current repayment period	Destroy	Date of closure	
<b>Company Law</b>					
	Company formation or similar matters. Other company commercial.	12 years	Destroy	Date of closure	
<b>Common Law</b>					
	Records relating to common law cases	7 years	Destroy	Date of last action	Review records detailing major cases for permanent archive
<b>Personal Injury (see also Health and Safety Retention Schedule)</b>					
	Records documenting personal injury claims made against the organisation.	40 years	Destroy	Date of last action	Limitations Act 1980 and Control of Substances Hazardous to Health Regulations 2002
<b>Bye Laws</b>					
	The process of making local laws:	Permanent	Archive	After administrative	Common practice

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	<ul style="list-style-type: none"> <li>• Master sets of bye laws</li> <li>• Policy development documents</li> <li>• Correspondence</li> <li>• Submissions</li> </ul>			use concluded	
	<p>The process of administering and enforcing bye-laws:</p> <ul style="list-style-type: none"> <li>• Applications and certificates</li> <li>• Permits</li> <li>• Licences</li> <li>• Infringement notices - parking</li> <li>• Correspondence</li> </ul>	2 years	Destroy	Date of last action	Common practice
<b>Bankruptcy</b>					
	Successful bankruptcy cases	20 years	Destroy	Date of settlement	
	Dismissed bankruptcy cases	2 years	Destroy	Date case dismissed	
<b>Prosecution</b>					
	<p>The process of prosecuting an individual or organisation for failing to comply with their legal responsibilities, e.g. dog fouling, weights and measures, trade marks.</p> <p>County and High Court cases (unless otherwise specified)</p>	<p>7 years</p> <p>12 years</p>	Destroy	Date of last action or conviction	<p>Common practice</p> <p>Major prosecutions should be reviewed for archive</p>
<b>Looked After Children</b>					
	Case records relating to children who have been placed into the care of the local authority (foster care, children's homes)	Until child reaches age 75 or 15 years from date of death (if died	Archive for review	Date of birth or death of child	Arrangements for Placements of Children (General) Regulations 1991

		before 18 <sup>th</sup> birthday)			Children's Homes Regulations 1991
<b>Child Protection</b>					
	Records of an investigation but where the child is neither accommodated or placed on the CPR and where no other statutory retention periods apply.	6 years	Destroy	Date of child's 18 <sup>th</sup> birthday	Common practice
	Records of an investigation that has led to a child being placed on the CPR.	Until child reaches age 75 or if died before age 18, 6 years from date of death	Archive for review	Date of birth or death of child	Common practice
	Records documenting individual cases involving initial assessments and provision of advice in regards to child protection.	5 years	Destroy	Date of closure of case	Common practice
<b>Adult Protection/Litigation</b>					
	Adult Protection/Litigation	15 years	Destroy	From closure of file	Common Practice
<b>Young People</b>					
	Juvenile court case records.	6 years	Destroy	Date of child's 18 <sup>th</sup> birthday	Common practice
<b>Anti Social Behaviour</b>					
	Anti-Social Behaviour Orders and Interim Anti-Social Behaviour Orders	7 years	Destroy	Date of cancellation of ASBO	
<b>Adoption Records</b>					
	Records of adoption	100 years	Archive for review	Date of the adoption	Adoption Agencies

					Regulations 2005
<b>Education Admissions and Exclusions</b>					
	Case files (including appeals)	25 years	Destroy	Date of last action	Common practice
<b>Footpaths and Highways</b>					
	The activity of planning and programming the continued flow, diversion or reduction of traffic, e.g. Traffic Orders	7 years	Destroy	Date action completed	Common practice
	The process of enforcing infrastructure and transport regulations	50 years	Destroy	Date of enforcement notice	Common practice
	Records documenting the creation, stopping up or diversion of public rights of way	Keep order permanently. Destroy corres file after 12 years	Archive/Destroy	Date the order was made	Common practice
<b>Land Charges</b>					
	Local Land Charges Register	Permanent	Archive	Archive after administrative use is concluded	Common practice
	Land Searches	6 years	Destroy	Date search concluded	Limitation Act 1980