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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Retention Schedule – Regulatory Services

**Building Control
Development Control
Development Management
Strategic Planning
Parking**

September 2023

Document Control

Retention schedule

| | |
|---------------------------|--------------------------------------|
| Organisation | North Hertfordshire District Council |
| Title | Retention schedule |
| Author | Directorate – Regulatory |
| Owners | Ian Fullstone |
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| Revision date | Version | Previous version | Description of revision |
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| October 2018 | 1.0 | | New document |
| December 2018 | 1.1 | 1.0 | DM4 and DM5 updated |
| October 2019- January 2020 | 2.0 | 1.1 | Annual review |
| February 2020 | 2.1 | 2.0 | SP5 Updated |
| September 2023 | 3.0 | 2.0 | Review including updating of Logos |

Document approvals

This document requires the following approvals:

| Sponsor approval | Name | Date |
|------------------|---------------|------|
| | Ian Fullstone | 2023 |

Document distribution

Contributors Regulatory Service Areas

| Name | Job title | Email address |
|----------------|---------------------------------------|--|
| Louise Symes | Strategic Planning & Projects Manager | Louise.symes@north-herts.gov.uk |
| Nigel Smith | Strategic Planning Manager | Nigel.smith@north-herts.gov.uk |
| Tim Bloomfield | Senior Planning Compliance Officer | Tim.bloomfield@north-herts.gov.uk |
| Rachel Arnull | Enforcement Officer Planning | Rachel.arnull@north-herts.gov.uk |
| Tricia Craggs | Conservation Officer Planning | Tricia.craggs@north-herts.gov.uk |

Introduction

The Council's Approach to Data Management

In response to the requirements of the General Data Protection Regulations in particular

Principle (e) storage limitation: 'You must not keep personal data for longer than you need it. You need to think about and be able to justify how long you keep personal data. This will depend on your purposes for holding the data. You need a policy setting standard retention periods wherever possible, to comply with documentation requirements. You should also periodically review the data you hold, and erase or anonymise it when you no longer need the data. You can keep personal data for longer if you are only keeping it for public interest archiving, scientific or historical research or statistical purposes.

This Retention Schedule provides a generic guidance on when data should be deleted once it is no longer in use.

The Retention Schedule is regularly reviewed considering new guidance and best practice. Revisions may also be prompted by changes in legislation, formal guidance, and relevant case law.

Further information on the Data Protection Act 2018 and associated legislation, the Freedom of Information Act 2005 and Environmental Information Regulations 2004 can be found on the Information Commissioner's Office (ICO).

<https://ico.org.uk/>

The IT Department's Information Management Team has been charged with managing the Council's approach to Data Protection, Data Quality Issues, Data Sharing Agreements and Data Retention. The Information Management Team will review and manage the data retention practices within the authority and provide guidance on the legislative provisions that have a bearing on this work.

The introduction of the Data Protection Act 2018 brought about a fundamental shift in how local authorities, et al approach the acquisition, storage, use and deletion of data, particularly when it contains personal information. This change in culture, from one that resulted in the hoarding of data to one that views data as both an asset and a potential liability, continues as local authorities face competing pressures as regards their duties under Data Protection legislation and those associated with freedom of information and or Environmental Information Regulation legislation.

Responsibilities of all officers

The appropriate management of personal data is a responsibility of all employees of North Hertfordshire District Council. Accordingly, all Officers of the Regulatory Directorate should take reasonable steps to ensure that personal and sensitive data is managed regarding the principles of the Data Protection Act 2018 and the content of this Policy. Any breaches of this document should be reported to the Service Director, Regulatory and the Data Protection Officer.

Ian Fullstone – Service Director – Regulatory – ian.fullstone@north-herts.gov.uk

Jo Dufficy – Data Controller - DataController@north-herts.gov.uk

Geraldine Goodwin – Data Protection Officer – dpo@north-herts.gov.uk

Review of this document

This policy will be reviewed on a regular basis to ensure that it reflects best practice. Revisions may also be prompted by changes in legislation, formal guidance, and relevant case law.

Any operational problems experience in connection with the implementation of this policy should be direct to the Service Director, Regulatory so that remedial options can be identified in a timely fashion.

Building Control:

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|--|---|------------------------|--|--------------------------------|-------------------------------|
| The process of approving building regulation applications (site works commenced) | <p>Approved/ accepted proposals and design principles.</p> <p>Records of any work carried out by professional consultants.</p> <p>Record of consultations</p> <p>Records of site inspections</p> <p>Client design and contractor details</p> <p>Certificates and notices including completion, fire, and final certificates.</p> <p>Associated pre application advice</p> | Yes | <p>Destroy 15 years after completion of last action on application*</p> <p>Documents held by Hertfordshire Building Control.</p> | MHCLG Best Practice Guidance | Service Director - Regulatory |

Development Management:

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|--|--|-------------------------------|--|---|-------------------------------|
| Public Registers | As required by legislation including the enforcement notice register | Yes | Permanent retention* *Unless otherwise set by legislation | Town and Country Planning Act 1990 | Service Director - Regulatory |
| The processes related to planning appeals | Appeal files | Yes | Permanent retention | Town and Country Planning Act 1990 | Service Director – Regulatory |
| The processing of pre – applications where no planning application is received | Application files and background information | Yes | Destroy 6 years from last action | Town and Country Planning Act 1990 Best Practice | Service Director – Regulatory |
| The process of enforcement | Application files and background information | Yes | Destroy 3 years after any decision not to enforce | Town and Country Planning Act 1990 | Service Director – Regulatory |
| The process of enforcement | Application files and background information | Yes | Destroy 6 years after compliance with any enforcement notice | Town and Country Planning Act 1990 | Service Director – Regulatory |
| Tree preservation orders | All records relating to tree preservation orders | Yes | Permanent retention | Town and Country Planning Act 1990 | Service Director - Regulatory |
| Conservation areas and historic assets | Buildings at risk All records relating to the development of conservation areas | No | Permanent retention | Town and Country Planning (listed buildings and conservation) | Service Director - Regulatory |

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|--|--|------------------------|---|--|-------------------------------|
| | | | | areas) Act 1990 | |
| The processing of 'High Hedge' applications | Application files and background information | Yes | Permanent retention | Part 8 of Anti-Social Behaviour Act 2003 | Service Director - Regulatory |
| The processing of applications in relation to the planning legislation | Application files and background information Planning obligations and background information Decision notices Pre – application advice Representations | Yes | Permanent retention *Unless otherwise set by legislation | Town and Country Planning Act 1990 | Service Director - Regulatory |

Strategic Planning:

STRATEGIC PLANNING, INCLUDING THE LOCAL PLAN, MASTERPLANS AND NEIGHBOURHOOD PLANS

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|---------------------------------------|--|------------------------|---|---|-------------------------------|
| District Local Plans | Local Plan Inspector's Reports for Local Plan | No | Permanent retention | Planning and Compulsory Purchase Act 2004 | Service Director - Regulatory |
| Local Plan – Supporting Documentation | Local Development Scheme | No | Destroy 3 years after the adoption of the | Good Practice | Service Director - Regulatory |

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|--------------------------------------|--|------------------------|--|---|-------------------------------|
| | | | successor document | | |
| | Statement of Community Involvement | No | Destroy 5 years after the adoption of the successor document | Planning and Compulsory Purchase Act 2004 | |
| | Habitats Regulation Assessment | No | Destroy 3 years after the adoption of the successor document | Good Practice | |
| | Sustainability Appraisal | No | Destroy 3 years after the adoption of the successor document | | |
| | Evidence Studies | No | Destroy 3 years after the adoption of the successor document | | |
| Processes relating to the Local Plan | Public consultation documents and representations made in respect of those consultation documents Local Plan Examination Documents – Matter Statements / Hearing Statements | Yes | Destroy 3 years after adoption of the relevant Local Plan | | Service Director - Regulatory |

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|--|---|------------------------|---|---|-------------------------------|
| | Main Modification consultation documents & responses | | | | |
| Processes relating to Strategic Planning | All records relating to the development and implementation of strategic planning policy documents not covered above | Yes | Destroy 3 years after expiration of High Court challenge period to the plan's adoption or withdrawal Or Destroy 5 years after the last activity on a document which has not subsequently progressed to adoption | Best practice Planning & Compulsory Purchase Act 2004 | Service Director - Regulatory |
| Supplementary Planning Documents & Area Action Plans | Draft consultation SPD | No | Destroy 3 years after adoption of the relevant SPD | Best practice Planning & Compulsory Purchase Act 2004 | Service Director - Regulatory |
| | Consultation responses | Yes | Destroy 3 years after adoption of the relevant SPD | | |
| | Adopted SPDs | No | Permanent | | |
| Plans and Strategies | Town Centre Strategies & Evidence studies relating to them | No | Destroy 3 years after revocation of the (parent) document and / or the | Best practice Planning & Compulsory | Service Director - Regulatory |

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|---|--|------------------------|---|--------------------------------|-------------------------------|
| | | | completion or adoption of the successor document | Purchase Act 2004 | |
| Conservation Area Reviews | Conservation Area Appraisal and Management Plans | No | Permanent | Best practice | Service Director - Regulatory |
| Processes relating to Monitoring | Monitoring records | No | Retention of records for so long as they relate to the time period of the current and / or emerging Local Plan. | Best practice | Service Director - Regulatory |
| Self Build Register & Brownfield Register | Registers | Yes | Annual | Best practice | Service Director - Regulatory |
| Article 4 Directions | Maps and supporting documentation | Yes | Review and delete 3 year after confirmation | Best practice | Service Director - Regulatory |

NEIGHBOURHOOD PLANS

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|--------------------------|--|------------------------|---------------------|--------------------------------|-------------------------------|
| Made Neighbourhood Plans | Made Neighbourhood Plans Examiner's Reports for Neighbourhood Plans | No | Permanent retention | The Localism Act 2011 | Service Director - Regulatory |

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|--|--|------------------------|--|-------------------------------------|---------------------|
| Processes relating to Neighbourhood Planning | <p>Application from Qualifying Body & consultation responses (where appropriate)</p> <p>Initial consultation NP & NHC response</p> <p>SEA Screening & consultation responses</p> <p>Submission Neighbourhood Plan, accompanying documentation & representations made by NHC and other parties</p> <p>Correspondence between examiners and interested parties</p> <p>Examiners report</p> | Yes | Destroy 3 years after adoption of the successor Neighbourhood Plan | Best Practice The Localism Act 2011 | |
| Processes relating to Neighbourhood Planning | Work / advice related to the preparation of a NP | No | 3 years after adoption of the NP | Best practice | |

MASTERPLANS

| Activity | Examples of Documents | Personal data included | Retention period | Rationale for Retention Period | Responsible Officer |
|--|---|------------------------|---|---------------------------------------|-------------------------------|
| Adopted Master Plans for allocated Strategic Sites | Master Plans | No | Permanent retention* * Unless otherwise set by legislation | Planning Compulsory Purchase Act 2004 | Service Director - Regulatory |
| Processes relating to Master Planning | Correspondence and work related to the preparation of a master plan | Yes | Destroy 3 years after completion of the development. | Best Practice | Service Director - Regulatory |

| | | | | | |
|---------------------------------------|---|-----|--|---|-------------------------------|
| Natural environment | All records relating to area of outside natural beauty applications | No | Destroy 6 months after expiration of high court challenge period to the (non-) designation of the area of outstanding natural beauty | Best practice Countryside and Rights of Way Act 2000 | Service Director - Regulatory |
| Street naming and numbering | All records relating to street name and numbering | Yes | Destroy 10 years after implementation | Best practice Town Improvement Clauses Act 1847 | Service Director - Regulatory |
| Street name plates | All correspondence relating to the installation of street name plates | Yes | Destroy 1 year after installation | Best practice | Service Director - Regulatory |
| Public Right of way, diversion orders | Order | No | Permanent retention | Town and Country Planning Act 1990 | Service Director - Regulatory |
| | Application files | Yes | Destroy 10 years after implementation | Best practice | |

| | | | | | |
|--|--|-----|--|--|-------------------------------|
| The giving of general advice | All records in electronic formal MP/Member enquiries | Yes | Destroy 3 years from last action where no subsequent application is received | Best practice | Service Director - Regulatory |
| Government returns | Evidence base for returns | No | Destroy 7 years from submission | Best practice Town and Country Planning Act 1990 Planning and Compulsory Purchase Act 2004 The Self-Build and Customer Housebuilding Act 2015 | Service Director – Regulatory |
| Road Closure (Town Police Clauses Act 1847 (TPCA)) | Application file | Yes | Destroy 5 years after the end of the closure | Best practice Road Closure (Town Police Clauses Act 1847 (TPCA)) | Service Director – Regulatory |
| Safety advisory group | Minutes and associated background information | Yes | Destroy after 5 years unless HoS extends retention period | Best practice | Service Director - Regulatory |

Parking:

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|-----------------|---|------------------------|---|--|-------------------------------|
| Parking reviews | Traffic regulation orders Delegated officer reports/decisions All records relating to the process of preparing and implementing | Yes | Permanent retention of traffic regulation orders Destroy 1 year after expiration of high court challenge period to | Road Traffic Act 1984 Best practice | Service Director - Regulatory |

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|-----------------------------|---|------------------------|--|--|-------------------------------|
| | parking schemes. | | implementation of a TRO | | |
| Lines and signs | Traffic regulation orders Delegated officer reports/decisions All lines and signs records relating to the process of preparing and implementing line and sign works | Yes | Permanent retention of traffic regulation orders reviewed as a result of audit as per P1 Destroy 1 year after last action physical implementation | Road Traffic Act 1984 Best practice | Service Director – Regulatory |
| PCN (Penalty charge notice) | Copy of PCN's | No | Retained for 1 year and then archived | Retained for four years and then destroyed | Service Director – Regulatory |
| Body camera | Video footage and audio | Yes | Video automatically deleted from system after 28 days. If video relates to an incident, it is manually deleted once incident is resolved | Video downloaded each day and automatically stored on PC. If video contains footage of an incident that needs to be investigated, then it is flagged to remain on the system until investigation is completed | Service Director – Regulatory |

| Activity | Examples of documents | Personal data included | Retention period | Rationale for retention period | Responsible officer |
|----------------------|---|-------------------------------|--|--|-------------------------------|
| Incident Reports | Report detailing incidents that happen on street to CEO's | Yes | Once investigated concluded stored for three months and then destroyed | Retained by department pending investigation outcome. Copy passed to HR for CEO's personal record | Service Director – Regulatory |
| Suspension Request | Request form containing individual or company details | Yes | Retained for three months and then destroyed | Retained within the department pending action. Once request has been completed filed awaiting deletion. | Service Director - Regulatory |
| Dispensation Request | Request form containing individual or company details | Yes | Retained for three months and then destroyed | Retained within the department pending action. Once request has been completed filed awaiting deletion. | Service Director - Regulatory |