
CCTV Policy

Document Control

Document Ref:		Date Created:	16 th June 2022
Version:	1	Date Modified:	
Revision due	June 2025		
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Owning Service	Legal and Democratic Services		
Equality Impact Assessment: (EIA)	Date undertaken:	15 th August 2022	
	Issues (if any):	n/a	

Chief Executive	Sign & Date:	9 th December 2022
Executive Director (Place)	Sign & Date:	
Executive Director (People)	Sign & Date:	



Change History

Version	Date	Description	Change ID
1	16.06.2022	First policy	
2			
3			

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Purpose

- 1.1 The purpose of this Policy is firstly to ensure that individuals and the wider communities have confidence that surveillance cameras used by WBC officers are deployed to protect and support them, rather than subject them to surveillance. The second purpose is to provide assurance that where West Berkshire Council operates surveillance cameras, they do so in accordance with the appropriate laws, statutory guidance and its own principles. This Policy provides guidance on the appropriate and effective use of surveillance camera systems and in particular how it meets the requirements of:
- the Human Rights Act 1998 Article 8 ('Right to Privacy')
 - the Data Protection Act 2018 ('DPA 2018')
 - Regulation (EU) 2016/679 of the European Parliament and of the Council ('UK GDPR')
 - the Regulation of Investigatory Powers Act 2000 ('2000 Act')
 - the Protection of Freedoms Act 2012 ('2012 Act')
 - the Surveillance Camera Code of Practice 2013 as amended
 - the ICO guidance and processes in relation to CCTV and
 - the Regulation of Investigatory Powers Act (RIPA)

This policy applies only to **Overt Surveillance** which is defined as any surveillance which is obvious to the subject. **Covert Surveillance** means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. The Council's RIPA policy applies to this type of surveillance.

- 1.2 Any System Owner (Service Manager) who has or will have responsibility for a CCTV scheme must produce a code of practice (see Annex A) for the CCTV system and be responsible for its implementation. This shall be carried out in consultation with Users of the system and provide for the release of information relating to the operation of it. Any complaints will be dealt with in line with the agreed corporate complaints policy and procedure.
- 1.3 The System Owner (Service Manager) will complete a 'Deployment Form' (see Appendix B) before the CCTV system becomes operational. The form takes the author through the fundamental considerations when considering the deployment of CCTV including the purpose, location, signage and need.
- 1.4 The System Owner (Service Manager) is required to visit the site of the CCTV System as part of the Code of Practice and must also complete a 'Feasibility Study and Risk Assessment' form (Appendix C). Both forms must then be sent for signature to the Service Director for Strategy and Governance. If it is an existing deployment at the time this policy comes into being, then the deployment form must be completed retrospectively within 6 months and submitted for approval.
- 1.5 Finally there is a consent form for use where CCTV is deployed on land or property belonging to others (see Appendix D). This would be rare, but may occur for example in the event of anti-social behaviour or where somebody was a targeted or repeat victim of crime.
- 1.6 The purpose of this Policy is to provide guidance to Service Managers on the deployment, management, administration and operation of any CCTV system. It will assist system owners, management and operators of the systems to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

- 1.7 The System Owner (Service Manager) of the CCTV system shall be required to give a formal undertaking through the Annual Assurance review that they comply with the CCTV Policy and act in good faith with regard to the basic principles contained within it.
- 1.8 The System Operator (Service Manager) is responsible for compliance with the requirements of the UK GDPR and Data Protection Act 2018. Any changes to this Code of Practice will be approved by the CEO as Senior Information Risk Owner (SIRO) and Senior Responsible Officer (SRO)

2. **Applicability**

- 2.1 This Policy applies to:
 - 2.1.1 All non-school based employees working for the Council, including those working from home or at non-Council locations.
 - 2.1.2 Other persons including Elected Members and Agency staff whilst engaged on Council business.
- 2.2 It is the responsibility of each employee and other person mentioned in Section 2.1.2 to familiarise themselves with and adhere to this Policy.
- 2.3 Adherence to this Policy is a condition of working for the council or using its assets.
- 2.4 This Policy has had consultation with Heads of Service and Trade Unions and has been ratified by the Executive.
- 2.5 This Policy is not intended to automatically apply to third party contractors (TPCs.) TPCs will be responsible for their own compliance with relevant legislation and the Council's Standard Terms and Conditions require suppliers to comply with all applicable laws. The relevant Service Manager should include any express CCTV considerations as part of the Service specification. Alternatively, it is possible for the relevant Service Manager to include the TPC's compliance with this policy as part of the Council's Standard Terms and Conditions if this is preferred.

3. **Policy**

- 3.1 Introduction
 - 3.1.1 Camera systems are deployed within West Berkshire; these systems are valuable tools which contribute to public safety and security and in protecting both people and property.
 - 3.1.2 West Berkshire Council supports the individual's right to privacy and will insist that all agencies involved in the provision and use of public CCTV systems owned by the Council accept this fundamental principle as being paramount.
 - 3.1.3 In addition to the need to manage the system correctly for its intended purpose the Council also has to ensure that it complies with the requirements of the UK GDPR and DPA 2018.

4. **Part 1 Surveillance**

- 4.1 The use of the CCTV and ANPR systems for **Overt Surveillance**.

4.2 West Berkshire Council understands the need to achieve an appropriate balance between public protection and individual privacy.

4.3 Guiding Principles

4.3.1 The Surveillance Camera Code of Practice sets out guiding principles that should apply to all surveillance camera systems in public places. West Berkshire Council have adopted these principles in full to provide a framework for its System Operators and Users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose.

4.3.2 The Surveillance Camera Code of Practice helps system operators consider the guiding principles.

The 12 guiding principles are:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The user of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

4.4 **The use of the CCTV and Automated Number Plate Recognition (ANPR) systems for covert surveillance**

- 4.4.1 Covert Surveillance by public authorities (as defined in Part II of the 2000 Act) is not covered by this code but is regulated by the 2000 Act and the Council's RIPA Policy.
- 4.4.2 Any such covert use of private systems by or on behalf of a public authority (with the authority's knowledge) immediately places such use within the bounds of the 2000 Act.
- 4.4.3 Should there be a need to consider the use of the system for covert purposes then advice must be sought from the Public Protection Manager as defined in the WBC RIPA policy.

4.5 The use of ANPR system in general

- 4.5.1 The Council uses ANPR systems within some of its car parks and also for Moving Traffic Enforcement.
- 4.5.2 The use of technologies such as ANPR that rely on the accuracy of information generated elsewhere such as databases provided by others should not be introduced without regular assessment to ensure the underlying data is fit for purpose.
- 4.5.3 The system operator will have a clear policy to determine the inclusion of a vehicle registration number or a known individual's details on the reference database associated with such technology. A system operator should ensure that reference data is not retained for longer than necessary to fulfil the purpose for which it was originally added to a database.

4.5.4 There may be occasions when the inclusion of information about an individual in a reference database with the intention of undertaking surveillance can be considered as Covert Surveillance and thus fall within the bounds of the 2000 Act.

4.5.5 Where the system is operated by a third party on behalf of the council, the System Owner will ensure that all of the measures that would be applied to system operated by it are applied. Compliance will be monitored by Internal Audit.

4.6 CCTV in the workplace

4.6.1 When CCTV is installed in a workplace, such as an office, it is likely to capture pictures of employees, even if they are not the main subject of surveillance. If the purpose of the CCTV is solely to prevent and detect crime, then it should not be used for monitoring the amount of work done or compliance with company procedures.

4.6.2 Requests to disclose information captured by the CCTV system may be made from employees or HR because of on-going disciplinary action, disclosure should only be made if this is consistent with the registered purpose for the system. Any request for the disclosure of information should be made to the Data Protection Officer on the approved Subject Access request form.

4.6.3 Any overt monitoring of any employee using CCTV can only be done with the consent of the relevant Executive Director within whose service area the employee is based and after consultation with the Head of HR.

4.6.4 The covert monitoring of employees must not take place unless it has been specifically authorised in advance using the codes of practice, guidance and procedures under The Regulation of Investigatory Powers Act 2000.

5. **Part 2 Data Protection Act**

5.1 If System Operators have followed the advice of the Surveillance Camera Code of practice, then many of the issues relating to privacy and data protection will already have been covered.

5.2 However, System Operators also need to have taken into account how they are going to store, collect, share, manage and protect the data that it has collected.

5.3 This Information Commissioners office (ICO) code of practice provides good practice advice for those involved in operating CCTV and other devices which view or record images of individuals. It also covers other information derived from those images that relates to individuals (for example vehicle registration marks). The ICO provides a checklist to help individuals assess the need and operation of any CCTV system.

5.4 The UK GDPR and DPA 2018 not only creates obligations for organisations, it also gives individuals rights, such as the right to gain access to their details and to claim compensation when they suffer damage.

5.5 The basic legal requirement is to comply with the UK GDPR and DPA 2018 itself. To support this right to privacy the Council agreed a Records Management Policy that provides guidance and advice on the collection, storage and management of data. This applies equally to any data collected through CCTV systems.

- 5.6 This code sets out the ICO's recommendations. By following them it will help ensure that those capturing images of individuals comply with the UK GDPR and DPA 2018; mean that the images that are captured are usable; and reassure those whose images are being captured.

6 Implementation

- 6.1 This Policy will be supported and implemented by the development and publication of Standards (requirements), Procedures (how to) and Guidance (advice).

7 Roles and Responsibilities

- 7.1 The overall responsibility for CCTV within WBC rests with the CEO as SIRO and SRO.
- 7.2 The responsibility for day-to-day management of CCTV throughout West Berkshire Council rests with the relevant Service Director or Head of Service.
- 7.3 All Service Managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (2.1.2).
- 7.4 All personnel detailed at 2.1.1 and 2.1.2 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

8 Failure to comply with WBC CCTV Policy

- 8.1 This document provides staff and others with essential information regarding CCTV and sets out conditions to be followed. It is the responsibility of all to whom this Policy document applies to adhere to these conditions. Failure to do so may result in:
- 8.1.1 withdrawal of access to relevant services
 - 8.1.2 informal disciplinary processes
 - 8.1.3 formal disciplinary action (in accordance with the Council's Disciplinary Policy)

9 Review

- 9.1 This policy will be reviewed to respond to any changes and at least every 3 years.
- 9.2 The Corporate Director for Strategy and Governance shall be responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.
- 9.3 The Service responsible for reviewing and maintaining this Policy is Legal and Democratic Services.

Glossary

CCTV system means “Surveillance camera systems” has the meaning given by Section 29(6) of the 2012 Act and is taken to include:

- a. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems;
- b. any other systems for recording or viewing visual images for surveillance purposes;
- c. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b);
- d. any other systems associated with, or otherwise connected with (a), (b) or (c).

CCTV scheme shall mean all of the arrangements for closed circuit television in the service area and is not limited to the technological system, staff and operational procedures.

CCTV Code of Practice (service specific) systems means that if a Service Manager considers that there may be a need for a CCTV system, they will need to carry out an assessment based upon the two model codes of practice (Information Commissioner and Biometrics and Surveillance Camera Commissioner) and the advice in this document prior to its installation.

CCTV Operational Lead Officer means the Public Protection Manager.

Covert Surveillance means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.

Data shall mean all information, including that about a person in the form of pictures, and any other associated linked or processed information.

Data Controller is West Berkshire Council who is responsible for determining the purposes for which and the manner in which any personal data are, or are about to be processed.

Overt Surveillance any surveillance that is obvious to the subject.

Objectives. The overall objective of this policy is to ensure that the Council complies with all relevant legislation and to provide support and guidance to System managers so that they can undertake Privacy Impact Assessments, Needs Analysis and develop service specific CCTV Codes of Practice. This in turn will support the principle that the community at large should be satisfied that the public CCTV systems are being used, managed and controlled in a responsible and accountable manner.

Personal Data means data which relates to a living individual who can be identified:

- From that data, or
- From that data and other information which is in the possession of or is likely to come into the possession of, the data controller.

Public place has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Processing means obtaining, processing, recording, deleting or holding the information or data or carrying out any operation or set of operations on the information or data. The full definition is explained in Part 1, Section 3(4) of the Data Protection Act 2018 [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

Retrieval System means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.

Senior Responsible Officer (SRO) means the Service Director, Strategy and Governance.

Special Category Data is a term describing a sub-category of personal data which is deemed to be that requires heightened data protection measures due to its sensitive and personal nature under Art 9 UK GDPR.

System Operators are Service Managers.

Recording Material means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

Roles and Responsibilities to be defined within all system specific Codes of practice

The System Owner (Service Manager), shall be responsible for the system code of practice covering the effective management and public relations of the scheme in respect of the operation within their service area. They shall produce a code of practice (see Annex A) for their CCTV system and be responsible for its implementation. This shall be carried out in consultation with Users of the system and provide for the release of information relating to the operation of it. Any complaints will be dealt with in line with the agreed corporate complaints policy and procedure.

The System Manager (may also be the Service Manager) or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. The System Manager should complete the deployment form. At all times the Systems Manager retains responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system. The System Manager shall also ensure that on a day-to-day basis all equipment is working correctly and that all staff comply with the Code of Practice and any procedures.

Operators - The system will be utilised according to operational needs and the operators of the system will be authorized staff employed at the specific location. Operators will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. The information recorded must be accurate, adequate and relevant to the purpose of the scheme.

Users – System Users are all those people who legitimately have access to recorded data and equipment but are not covered within the other defined roles and responsibility sections of this policy.

Audit - Regular Internal audits will check the operation of the scheme and the compliance with the code of practice. It will consider the following:

- The level of attainment of objectives and procedures
- Random audits of the data log and release of information
- Standard costs for the release of viewing of material
- The complaints procedure

Appendix A Systems Code of Practice:

The Systems Code of practice should include information on:-

Management of the schemes

A risk assessment must be carried out to assess the need and requirements of CCTV systems within individual service locations. The cameras must therefore be sited to capture images which are relevant to the purposes for which the schemes have been established. This risk assessment is reviewed on an annual basis by Service Managers.

Details of the cameras that have been sited to capture images which are relevant to the purpose for which the scheme has been established.

Details of how the scheme will be operated fairly, within the applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with the Code of Practice.

The owners, Users and any visitors to the control, monitoring and recording facilities will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

Those who have authorised access are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

Scheme and Signage

The CCTV scheme aims to provide surveillance of the public areas within the specified location, in order to fulfil the purposes of the scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware before they enter a zone which is covered by surveillance equipment. The signs will state the organisation responsible for the scheme, the purposes of the scheme and a contact telephone number.

Data will not be held for longer than necessary and disposal of information will in accordance with retention schedules and disposal policies. It is important that disposal of records happens as part of a managed process and is adequately documented within the service document retention schedule.

Point of contact

Any scheme Code of Practice should inform the public on how to make contact with the owners of the scheme, it should specify the location of the equipment and who to write to for additional information.

Release of information to the public

Information can be released to justifiable third parties who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will be released if the reasons are deemed acceptable and complies with the principles of the UK GDPR , DPA and DPA 2018.

Individuals may request in writing to view information concerning them held on record in accordance with the UK GDPR. System Managers will need to consider if there are any other third parties within the images being requested and consider redacting any third party data.

Release of information to statutory prosecuting bodies

The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Service Managers need to ensure that any system will meet the requirements of any prosecuting body i.e. HD quality cameras.

Statutory bodies may have access to information permitted for disclosure on application to the System Owner or the System Manager; these applications must be in writing, provide the reasons, statement of purpose and meet the requirements of the UK GDPR and DPA 2018..

System Registration

The Council is registered with the Information Commissioner's Office (ICO) to process personal data, and it is the responsibility of Service Managers to ensure that this is kept up to date in respect of their service area. Any new schemes and amendments to a scheme that result in the need to update the ICO register must be forwarded to the **Data Protection Officer**.

Accountability

West Berkshire Council supports the principle that the community at large should be satisfied that the public CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny.

Complaints - A member of the public wishing to make a complaint about the system may do so through the West Berkshire Council complaints procedure. This can be found here : <https://info.westberks.gov.uk/complaints>.

Codes of Practice - A copy of the Code of Practice will be made available to anyone on request by contacting the CCTV system owner i.e. the Service Manager for that specific system.

CCTV Equipment Monitoring Areas

Access to the monitoring and recording areas will be strictly controlled.

The System Manager or in his/her absence the Deputy, is authorised to determine who has access to the monitoring area. This will normally be:

- Authorised Personnel
- Police officers requiring to view a particular incident, or intelligence or evidential purposes. These visits will take place by prior appointment.
- Engineers and cleaning staff (These people will receive supervision throughout their visit)

Inspectors/Auditors may visit the monitoring and recording facility without prior appointment.

All visitors to the monitoring and recording area, including Police Officers, will be required to sign a declaration of confidentiality.

Observation and recording of incidents

Recording will be throughout the 24 hour period. The system will be monitored on the basis of operational necessity.

Access to recorded images

Access to recorded images will be restricted to the manager or designated member of staff who will decide whether to allow requests for access by third parties in accordance with the disclosure policy. Those requests must be in writing on the Subject Access request form. See above in relation to requests made by employees.

Privacy And Disclosure Issues

The following principles must be adhered to:

All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images

Images not required for the purposes of the scheme will not be retained longer than necessary

Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised persons

Recorded material will only be used for the purposes defined in the objectives and policy

Access to recorded material will be in accordance with policy and procedures

Information will not be disclosed for commercial purposes and entertainment purposes

All access to the medium on which the images are recorded will be documented

Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment

Viewing of the recorded images should, where possible take place in a restricted area.

Recorded Material Management

Images that are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. The detail as to how long data should be held will be defined within the service retention schedule. While images are retained, access to and security of the images will be controlled in accordance with the requirements of the UK GDPR and DPA 2018.

Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.

Security measures will be taken to prevent unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.

Images retained for evidential purposes will be retained in a secure place where access is controlled.

The system records features such as the location of the camera and/or date and time reference and documented procedures are in place for ensuring accuracy.

Quality, in order to ensure that clear images are recorded at all times the equipment for making recordings will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions.

Recorded Material Register

There will be a register documenting the access to recorded media.

Documentation

Log books must be sequential in order that pages or entries cannot be removed

and full and accurate records kept.

The following Administrative documents shall be maintained:

- occurrence/incident book
- visitors register
- maintenance of equipment, whether routine or breakdown
- list of installed equipment

Deployment Form

Appendix B Deployment Form

REQUEST FOR DEPLOYMENT OF CCTV

Applicant's Name	
Organisation/ Service Name and Address	
Tel. No.	
Email Address	

I request the deployment of the CCTV as follows:

Purpose and Objectives *(please specify the nature of the problem, what you hope to achieve and how the equipment will assist)*

Deployment Form

1. Surveillance Area/Location

Please provide details of the location of the problem/area to be observed (not where the camera is going to be situated). Please attach a map if appropriate.

2. Evidence of the Need for Deployment

Please provide details of why the deployment of a camera is necessary and what will happen top any footage that is recorded onto tape (attach additional pages if necessary)

Signed.....

Print Name.....

Date.....

This form should be returned to:

Senior Responsible Officer

Email:

Appendix C Feasibility Study and Risk Assessment

FEASIBILITY STUDY AND RISK ASSESMENT

Site visited by:	(Block capitals)
Date of visit:	

Type of Location (Tick all that apply)

Residential area		Shops/Retail/Commercial	
Highway		Industrial Site	
Rural area		Urban Area	
Public/communal space		Other	

If 'Other', please specify:

Availability of Camera Mounting Positions

Building/Property		Street Furniture	
Vehicle		Other	

If 'Other', please specify:

Any potential problems with the camera mounting position? (Please specify)

NB: If a lighting column is to be used as a camera mounting, please note it's number and check its suitability with WBC Highways

Signage

Number of signs that will be required:

Safety Considerations

Each of the following should be considered. Please tick any safety considerations that may be of concern.

Height of camera location		Soft ground/verges	
Road traffic		Electrical supply	
Overhead power cables		Likelihood of harassment	
Uneven ground		Security – mounting position	
Is there natural surveillance?		Is there multi-camera surveillance?	

Are there any other safety considerations? If so, please specify:

I certify that I have visited the site stated and confirm the findings as stated above:

Signed.....

Position.....

Appendix D - Declaration Form

DECLARATION FORM

To be completed by each person providing their consent for CCTV to be sited at their property as an observation point.

I have been informed about the use of West Berkshire Council CCTV System, for which my property can provide an Observation Point. The possible consequences of using my property as an Observation Point have been explained to me. I agree to give my consent for my property (details as provided below) to be used for this purpose.

I indemnify, release and discharge the Council/Contractor from and against any expense, liability, claim or proceedings whatsoever in respect of any property or any personal injury to the land owner, their tenants, invitees or any other residents of the property arising out of the carrying out of the service. I shall give the Council/Contractor or a representative of the Council/Contractor access to the property to perform the service.

Name	Address (and home address if different)	Signature	Date