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Please reply to: Darryl White
Service: Strategy & Commissioning
Direct Dial: (01803) 861247
E-mail address: Darryl.White@swdevon.gov.uk
Date:

Dear Councillor

SOUTH HAMS EXECUTIVE - THURSDAY, 1ST DECEMBER, 2016

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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| 7. | <u>Adoption of a UAV/Drone Policy (Pages 1 - 4)</u>
Updated Appendix A |
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Yours sincerely

Darryl White
Senior Specialist – Democratic Services

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SOUTH HAMS AND WEST DEVON UNMANED AERIAL VEHICLE (UAV) / DRONE POLICY:

Policy to be reviewed three years following adoption.

1. Section 1 – UAV with photographic equipment

1.1 If a person or company wants to fly a drone or UAV carrying photographic equipment above, launch from or land on property owned or controlled by the Council, permission must first be sought and granted from the Communications and Assets Teams.

1.2 **Permission will not generally be granted in relation to any public parks, open spaces or beaches in Council ownership**, unless the intended purpose is for education, promotion of the place (eg tourism) or there is a compelling commercial reason. The Council will charge a minimum fee of £100 for any permission granted.

1.3 In any event, permission will only be granted if the Council is satisfied that:

- The pilot /company, complies with all of the Civil Aviation Authority's stipulations for permission for aerial work
- Flying the drone will not endanger staff or members of the public and safety measures are in place to minimize any risks to people and buildings
- Cop Leads for communications and assets are willing to allow the drone to fly in the specific location
- There is someone who can monitor the drone flight to check that this policy is being adhered to, provided by the applicant
- The checklist has been completed in full and approved.

1.4 **The Council must be satisfied that the pilot / company has Permission for Aerial Work (PAW):**

- A company / individual must be a Civil Aviation Authority (C.A.A) licensed pilot and have a valid "Permissions for Aerial Works" certificate as granted by the Civil Aviation Authority, under Article 166(5) and Article 167(1) of the Air Navigation Order 2009
- If the pilot is not licensed he/she will not be insured or have public liability cover and not allowed to work or provide commercial services
- Anyone seeking to use a drone for any kind of commercial activity must get 'Permission' from the Civil Aviation Authority, or they could face prosecution. For more details, visit www.caa.co.uk/uas
- The pilot is legally responsible for the safe conduct of each flight and failure to follow the CAA rules could lead to criminal prosecution
- The responsibility of any flight and its legalities rests with the drone operator however if they break the CAA conditions, they could also invalidate their insurance policy

- For more information see the CAA Drone Safety video:
<https://www.caa.co.uk/default.aspx?catid=1995&pagetype=90&pageid=17054>

1.5 The Council must be satisfied that the pilot / company has a clear plan of where they are going to fly and what they want to achieve:

- Pilots are not allowed to fly over, take off from or land on property without the owner's permission
- Pilots need to consider what they want to do with images they obtain, as they may breach privacy laws (details are available from the Information Commissioner's Office)
- It is illegal to fly an unmanned aircraft over a congested area (streets, towns and cities)
- Pilots are not allowed to fly drones directly over or near people, or vehicles without their permission and which are not deemed to be "under their control"
- If a drone were to be used when filming with actors, extras or presenters etc. they would have to be fully briefed and understand the safety measures that have been put in place to protect them and a record of that briefing kept

1.6 The pilot / company must demonstrate that they have a clear understanding of the flying restrictions placed on them by their licence and be able to demonstrate to the Council how they are going to flying within these restrictions:

- Drones can fly up to 400ft (restricted air space starts at 500ft)
- During take-off or landing, a drone must not be flown within 30 metres of any person
- A drone under 7k rig cannot fly within 50 metres of a property, road, members of the public where the landowner has not given permission for filming
- Drones fitted with cameras must not be flown within 50 metres of people, vehicles, buildings or structures over congested areas or large gatherings such as concerts and sports events
- A drone over 7k rig must have at least 150 metres clearance of a property where permission has not been obtained
- A drone must not be flown beyond the visual range of the pilot or a maximum of 500 metres
- The pilots are required to contact air traffic control when flying near to an airport or aerodrome, so that the drone can operated safely at a certain height on a specified date and time

- Drones cannot be flown at night (or out of daylight hours) unless the company has special permissions for night time flying from CAA
- Any qualified drone pilot should complete a site assessment before permission will be granted. They will need to demonstrate that they have checked various factors including if they are intending to fly in restricted airspace

2. UAV without photographic equipment

- 2.1 Permission to fly UAVs without photographic equipment from land owned by the Council will not be permitted.
- 2.2 Individuals caught flying UAVs from Council owned land shall be required to cease immediately.

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