

# Polegate Town Council



## Unmanned Aerial Vehicle (Drone) and Model Aircraft Policy **POLICY**

<b>Policy Number 32</b>		
<b>Issue No.</b>	<b>Date completed</b>	<b>Details of amendments</b>
1	07.07.17	Addition of the words Failure to adhere to the policy may result in legal action.

## **1. Introduction**

Polegate Town Council recognises the growing recreational use amongst the public of Unmanned Aerial Vehicles (UAVs), otherwise known as Drones. The Council also acknowledges the use of UAVs as a tool to assist in surveying, crime prevention and in other professional/commercial fields. This policy clarifies the permissions and prohibitions in relation to the use of UAVs over Council land and property.

## **2. Prohibitions**

The recreational/personal use of drones over land and properties owned by Polegate Town Council is prohibited. The reasons for this prohibition are:

- Granting permission could render Polegate Town Council liable to prosecution in the event of injury to a third party, or damage to property owned by a third party;
- Proximity of Council land and properties to private housing, businesses and road/rail infrastructure, where drone activity could cause harassment, alarm or danger;
- The possibility that subsequent actions against the Council may be brought about as a result of drone activity on Council land.

## **3. Permissions**

Permission to use a drone for other than recreational or personal purposes will require an application to the Council by the individual or organisation concerned. Each application will be considered on its merits, having due regard to issues of privacy, health and safety, human rights, data protection and the Regulation of Investigatory Powers Act 2000.

The following list outlines the purposes for which the Council may grant permission for the use of drones on Council land:

- Law enforcement – by police or other law-enforcement agencies;
- Surveying – to facilitate inspection of dangerous structures, footpaths and bridleways, and 'difficult to reach' areas where a drone is the only means of access;
- Conservation – aerial inspection of listed buildings or conservation areas;
- Arboriculture and Biodiversity – to identify distribution of flora and fauna;
- Archaeology – to identify possible sites of archaeological interest prior to groundworks being initiated;
- Academic and Educational – to gather evidence/information for inclusion in scientific studies, dissertations or for other purposes related to learning;
- Commercial – use by property developers, TV and film production companies.

The above list, and the examples contained within it, is not exhaustive.

#### **4. Application for permission to use a drone**

Any application to the Council for permission to use a drone over Council land or properties must be made in writing, either by letter or email. The application should contain the following information:

- The name of the applicant and the business or organisation they represent;
- A copy of the flight plan, including the drone's launch and landing points;
- The purpose of the flight;
- A completed risk assessment for the operation;
- A copy of the applicant's public liability insurance – minimum £5 million; and
- If the use of the drone is for a commercial purpose, a copy of the Permission for Aerial Work, issued by the Civil Aviation Authority. (N.B. – The CAA Permission for Aerial Work is not required for non-commercial purposes, but the applicant must be able to state that the person who will operate the drone is competent in its use).

#### **5. Council action on receipt of application**

The decision as to whether or not permission will be granted is delegated to the Town Clerk.

On receipt of an application, the Town Clerk will ensure that sufficient information has been supplied to enable an informed decision regarding permission to be made. Additional information will be sought if necessary. When making a decision the Town Clerk will consider the privacy, health and safety and legal aspects of the application as mentioned above.

If the Town Clerk grants permission the applicant will be informed as soon as practicable. The applicant will be supplied with a copy of the Council's 'Rules for the use of drones on Council land' (attached to this policy).

If the Town Clerk determines that an application be refused the applicant will be informed and an explanation given for the refusal. There is nothing to prevent an applicant resubmitting a revised application.

#### **6. Land and Property owned by Polegate Town Council**

- Brightling Road Leisure Ground including Brightling Meadow;
- Polegate Town Hall, 49/51 High Street;
- Polegate War Memorial Recreation ground field Pavilion and office;
- Gosford and Cophall Allotments.
- High Street (public) Toilets

**Failure to adhere to the policy may result in legal action.**

## **Rules for Drone operators**

All successful applicants will be supplied with a copy of 'The Drone Code', issued by the Civil Aviation Authority, which sets out the following rules:

- Always keep your drone in sight;
- Stay below 120 metres (400 feet);
- Follow the manufacturer's instructions for the drone you are operating;
- Keep the recommended distance from people and property – 50 metres (150 feet) from people and property; 150 metres (500 feet) from crowds and built up areas;
- You are responsible for each flight. Failure to fly responsibly could result in criminal prosecution.

### **Additional rules set by Polegate Town Council**

- The drone operator should wear a high visibility jacket or tabard;
- A sign, no smaller than A2 size, stating 'CAUTION – Drones in operation' is to be sited in such a way that it can be seen by other persons using the land.