

Cabinet Member for Policing and Equalities

10th January 2019

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor A S Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

All

Title: Drone Policy and Police Drone Permission

Is this a key decision? : No

Executive Summary:

This report is to consider the adoption by the Council of a Drone/ Unmanned Aerial Vehicle Policy in relation to its land and grant the West Midlands Police permission to use Council land for the launch and landing of drones in order to prevent and detect crime and maintain public safety.

Recommendations:

The Cabinet Member for Policing and Equalities is recommended to:

1. Adopt the Drone and Unmanned Aerial Vehicle Policy at Appendix 1.
2. Consider and delegate authority to the Director, Streetscene and Regulatory Services to sign the Drone and Unmanned Aerial Vehicle Permission to West Midlands Police at Appendix 2.
3. Agree the Drone and Unmanned Ariel Vehicle ("UAV") Permission at Appendix 3 and the charge associated with this of £50.00

List of Appendices included:

Appendix 1: Drone and Unmanned Aerial Vehicle ("UAV") Policy.

Appendix 2: Drone and Unmanned Aerial Vehicle ("UAV") Permission for West Midlands Police

Appendix 3: Drone and Unmanned Aerial Vehicle ("UAV") Permission

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel, or other body?

No

Will this report go to Council?

No

Report title: **Drone Policy and Police Drone Permission**

1. Context (or background)

- 1.1 Over the last few years a number of concerns have been raised about the flying of drones in both residential areas and in open spaces including parks. The concerns are about the nuisance caused by the noise of drones; privacy due to drones carry surveillance equipment and the potential danger they could cause to wildlife, animals and people particularly when landing. Advice has been supplied to residents stating that any problems with drone flying should be reported to the Police and the Council's Community Safety Team who would carry out an investigation. Council officers have asked drone flyers in parks to stop their activities.
- 1.2 However the Council does not have a drone policy and to date has dealt with any matters using vehicle and nuisance prohibitions contained in the Council's Byelaws for Pleasure Grounds 1962. Due to a growing number of issues with this type of activity it now appears appropriate to adopt a drone policy to prohibit their general use on Council land and regulate their specific use such as for some police and professional or commercial operations. Other Councils have adopted similar policies.
- 1.3 The Council was contacted by the West Midlands Police in 2018 requesting permission for Council land to be used for the launching and landing of police drones in order to prevent and detect crime and maintain public safety. The Force Drone Team for West Midlands Police has stated that the operation of drones supports the reduction in local crime, helps to reduce anti-social behaviour and assists in evidence gathering to support prosecutions. It helps to tackle issues such as quad biking in public areas, drug dealing, vehicle crime and suspect searches. Other West Midlands councils have already granted conditional permissions to the police to carry out this activity.

2. Options considered and recommended proposal

- 2.1 An option would be to have drone activity unregulated in parks and allow hobbyists unrestricted access to Council land to fly their drones as they chose. The Council is aware that drone activity causes a nuisance to other park users and concerns residents due to potential surveillance activity. Flying drones could also cause a health and safety hazard to both people and animals. As a land owner and operator the Council is likely to be held liable for any damage caused to people or property as a result of it allowing the flying of drones in its parks and open spaces.
- 2.2 A second option would be to leave the situation as it is with drone operators being advised by Council officers of the vehicle and nuisance prohibitions contained in the Council's Byelaws for Pleasure Grounds 1962. This does not present a clear position for the public about the use of drones and does not deal with any exceptions which the Council may wish to grant for example for the police or commercial activities.
- 2.3 The proposed option is to adopt a Drone Policy for Council owned and controlled land which would give clear guidance on the use of drones. If this was not followed the Council would be able to ask people to leave its property if they were flying unauthorised drones or

UAVs. The Drone Permission for the West Midlands Police would allow the police to use drones on Council land without gaining permission from the Council each time they wished to carry out an activity. The general Drone Permission would allow professional and commercial organisations to use Council land for flying drones under strict regulation and with the appropriate public liability insurance. There would be a charge of £50.00 for the permission and an additional charge for any photography undertaken to cover administrative expenses.

3. Results of consultation undertaken

No consultation has taken place on this issue

4. Timetable for implementing this decision

4.1 To be agreed subject to approval of a recommendation within this report

5. Comments from the Director of Finance and Customer Services

5.1 Financial implications

The proposed charge associated with granting permission for drone and UAV usage has been set to recover the cost to the Council of administering the request. It is not possible to estimate the number of requests and therefore income: this will be monitored during the first year of the policy.

5.2 Legal implications

The regulations for recreational drone flights are contained within the Air Navigation Order 2016 (ANO) (as amended) made under the Civil Aviation Act 1982, which is the primary document for all aviation regulations within the UK. In relation to small drones with a mass of 20kg or less operators who use them for aerial work purposes and those equipped with data acquisition and/ or surveillance capabilities must obtain permission from the Civil Aviation Authority before commencing a flight within a congested area or in the proximity of people or property not under their control. Otherwise a drone operator can fly a drone if it is in a safe manner, within 400 feet of the surface and not within a Flight Restriction Zone.

As a landowner the Council could be held liable for activities that take place on its property.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's Plan?

N/A

6.2 How is risk being managed?

Council officers and the public will be made aware of the Drone Policy to publicise the fact that any drone activity on Council land will be strictly limited.

6.3 What is the impact on the organisation?

It is the Council's responsibility to ensure the land under its ownership is appropriately managed.

6.4 Equalities / EIA Implications for (or impact on) the environment

The Drone Policy and Permission to the police will ensure that all sections of the community are able to enjoy the facilities provided within parks and open spaces.

6.5 Implications for (or impact on) the environment

Continued provision of safe environment of people, animals and wildlife within parks and open spaces.

6.6 Implications for partner organisations?

None

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