

Newark and Sherwood District Council Unmanned Aerial Vehicle Usage Policy



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1.0 Background

- 1.1 Drones (also referred to as Unmanned Aerial Vehicles or UAVs) are machines that are remotely controlled by a person on the ground. Typically, they are used to obtain video footage of land or property but may also have other uses. Drones have the potential to provide valuable advantages when carrying out Council operations. 2.
- 1.2 There will be a Senior Responsible Owner (SRO) and Single Point of Contact (SPoC) for Drone use on behalf of the Council, but with acknowledgement that various business units/directorates will look to utilise the drone resource when required.

2.0 Purpose of Policy

- 2.1 The purpose of this policy is to ensure that any drone operation undertaken by Newark and Sherwood District Council (NSDC) is carried out safely and in accordance with regulatory requirements.
- 2.2 The purpose of this policy is to ensure that Unmanned Aerial Vehicle operation, associated with Newark and Sherwood District Council, is carried out safely and in accordance with regulatory requirements.
- 2.3 For sites where access is restricted, drones can be safely deployed near the site and can record the activities/operations being undertaken. This will greatly reduce the risk to staff when dealing with confrontational individuals or on inaccessible/remote or largescale sites and will allow Officers to make better informed decisions on how to proceed with their cases. The use of a drone where a potential vexatious complainant is involved could be a very useful asset.
- 2.4 This Policy should also be read in conjunction with Councils Corporate Enforcement policy.

3.0 Scope

- 3.1 This Policy applies to all NSDC services and staff considering making use of a drone on behalf of the Council. This also includes employing a third party to operate a drone on the Council's behalf.
- 3.2 It covers all use of drones on NSDC sites, and any NSDC use of drones on sites owned by an external party, indoors or outdoors.
- 3.3 It does not cover use of drones by third party organisations on Council land, unless that third party has been employed by the Council to fly a drone on NSDC's behalf.

4.0 Principles and Commitments

- 4.1 The Council is committed to ensuring that the use of drones is necessary, proportionate and safe.

- 4.2 Any member of staff considering the use of drones will read and familiarise with this document and its requirements.
- 4.3 The decision to make use of a drone will be made at a senior level (Business Manager or above).
- 4.4 There will be a designated Senior Responsible Owner (SRO) and Single Point of Contact (SPoC) for Drone use.

5.0 Basic Requirements

- 5.1 All operation of drones must be in line with Civil Aviation Authority (CAA) requirements and in accordance with the Drone and Model Aircraft Code.
- 5.2 Drones must only be operated by a trained, qualified and registered drone pilot. This may be an NSDC member of staff, or an external individual hired by NSDC.
- 5.3 Before any operation of drones commences, NSDC must review whether permission from the CAA is required and make an application if required. Whether permission is needed will depend on the proposed use of the drone and will be managed by the SPoC for the Council. (For more details, see the CAA page on permission for commercial operations).
- 5.4 Each individual flight will be logged by the SPoC (or their nominee), recording the time, location, pilot and business area responsible.

Considerations before using a drone

- 5.5 All staff considering making use of a drone in order to support NSDC activities must consider the questions below:
- What will the drone be used for?
 - What benefits are there to making use of a drone?
 - Are there any other ways of achieving the same outcomes and, if so, why they aren't they being used?
 - How often will the drone be used?
 - Will the drone be used to capture identifiable images of individuals?
 - Will the drone be used for overt or covert surveillance of individuals?
- 5.6 Any third parties contracted to provide drone services must be made aware of this policy and confirm that their own policy's meet the Council's standards.
- 5.7 All staff considering using a drone must contact the SPoC (or their nominee) who will assist in assessing the need for a drone and ensuring all legislative requirements are met prior to its use.
- 5.8 Before commencing the use of a drone, a risk assessment must be completed and reviewed by the SPoC (or their nominee).

- 5.9 It is proposed to have a generic Data Protection Impact Assessment (DPIA) for instances where the drone surveillance will be overt and for instances where the drone will be used to capture images of land and its use/ condition. The generic DPIA will be reviewed on an annual basis and updated to meet current legislation and practice. In instances where images may/ will be captured of individuals, a separate DPIA will be required (and potentially RIPA authorisation) which must be completed before any images are captured.
- 5.10 Further, if the use of a drone will have a high likelihood that personal data will be captured in passing, or operations will be covert, then advice must be sought from the Information Governance Team. The response from the Information Governance Team must then be submitted to the SPoC alongside the risk assessment. This provides the opportunity to determine whether a DPIA is required on a case by case basis in instances where the intention or the use is to capture images of certain people or an individual.

Health and Safety

- 5.11 Appropriate health and safety policies must be followed at all times when making use of drones. A risk assessment must be undertaken each time a drone is used at a site for the first time.

Before use:

- a) All drone operations should be treated as hazardous work. A risk assessment should be carried out before commencing use of a drone;
- b) Drones must only be operated by a CAA permitted pilot/organisation, with all relevant qualifications and training.
- c) Permission of the property owner/manager must be obtained before a drone is operated on private land/property. This includes NSDC owned property.

During use:

- d) The person in charge of the drone may only fly it if reasonably satisfied the flight can safely be made.
 - e) They must maintain direct, unaided visual contact with the drone at all times, sufficient to monitor its flight path in order to avoid collisions.
 - f) The person in charge of the drone must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- 5.12 Further restrictions will apply depending on the class of drone in use and the purposes for which it should be used. Advice on this must be sought from the SPoC (or their nominee) during the planning stages.

Privacy and data protection

- 5.13 Images and footage captured by a drone are subject to the Data Protection Act 2018, the articles of the Human Rights Act regarding the right to privacy and the Surveillance Camera Code of Practice issued by the Biometric and Surveillance Camera Commissioner.

- 5.14 Where possible and appropriate, individuals who may be affected should be informed that drone filming is to take place. This could be done by:
- Signage indicating a drone is in use, clearly labelled as belonging to NSDC
 - Operators wearing high visibility clothing or uniform indication that they are operating a drone and are working on NSDC's behalf
 - In some cases, it may be appropriate to notify individuals in advance that a drone will be used – for example, informing attendees at an event that drone filming is planned at a particular time
- 5.15 If a drone is to be used for any purposes which would qualify as covert surveillance – that is, monitoring the activity of individuals without notifying PUBLIC them that they are being monitored – this must be done in accordance with the Regulation of Investigatory Powers Act (RIPA). The NSDC policy on covert surveillance must be followed, which will include applying to a magistrates court for authorisation. Legal advice must be sought prior to undertaking any covert surveillance by whatever means.
- 5.16 Drone footage will be subject to access to information rights under the Data Protection Act 2018 (DPA 18) and/or the Freedom of Information Act 2000 (FOIA). The Council's CCTV Policy contains sections on Viewing of Images and Provision of Evidence and Third Party Access Requests and this should be referred to in the first instance if requests for drone generated video footage are received.

Risk and Insurance

- 5.17 Given the nature of drone use, insurance is likely to be an essential part of risk management. It will provide financial compensation if the safety management system has failed to prevent an accident or incident which results in loss or harm to people or property.
- 5.18 Risk and Insurance have taken out a general policy covering all use of drones by NSDC. Proposals to use drones for purposes not covered by the insurance policy will not be approved.

Roles and Responsibilities

- 5.19 All Council staff considering the use of drones, using drones or authorising the use of drones, must comply with this Policy.
- 5.20 Managers and supervisors are responsible for ensuring all considerations outlined in this Policy have been taken account of before commencing use of a drone, and for ensuring the safe and lawful use of the drone once in operation.
- 5.21 The Senior Responsible Owner (SRO) for the use of drones will be appointed. Their role will be more strategic in nature and will include:
- Ensuring compliance with this Policy.

- Periodically (at least every two years), reviewing this Policy to ensure that it remains fit for purpose and in line with legislative developments and good practice.
 - Appointing a Single Point of Contact to support them in their duties.
- 5.22 The Single Point of Contact (SPOC) for the use of drones will be appointed by the Senior Responsible Owner. Their role will be more operational in nature and will include:
- a. Providing advice, support and guidance around the use of drones in compliance with this Policy (including an up-to-date intranet page).
 - b. Maintaining all documentation required to evidence the safe and compliant use of drones by the Council in accordance with this Policy.
 - c. Maintaining records of all drone flights in accordance with CAA requirements.
 - d. Liaising with other services where required to ensure that drone use is appropriately considered and pre-authorised (e.g. with Health and Safety, Information Governance etc)
 - e. Supporting the Senior Responsible Owner for drone use in their role.
 - f. Acting as the main point of contact for drone use in the Council.
- 5.23 Information Governance will provide advice on compliant use of drones within the context of ensuring any processing of personal data is lawful under the Data Protection Act and Human Rights Act.
- 5.24 Legal Services will provide advice on compliant use of drones within the context of the RIPA and covert surveillance.
- 5.25 Health and Safety will provide advice on undertaking appropriate health and safety risk assessments prior to drone use.
- 5.26 Duties assigned to specific roles referenced in this policy must be carried out as described. Compliance with this Policy
- 5.27 Wilful or negligent disregard for corporate policies and policies will be investigated and may be treated as a disciplinary matter under the relevant employment policy(s) which could lead to dismissal or the termination of work agreements or service contracts.

Monitoring of this Policy

- 5.28 The Senior Responsible Owner will periodically monitor compliance with this policy. It may also be the subject of internal audits.
- 5.29 The Data Protection Officer (or their nominee) may periodically monitor compliance with the IG elements.

Review of this policy

- 5.30 This policy will be periodically reviewed by the Senior Responsible Owner (SRO) for the use of drones (or their nominee) who will revise it in line with learning arising from its implementation (particularly any experience gained from the use of drones).
- 5.31 Beyond that, the policy will be monitored and reviewed every two years in line with legislation and codes of good practice.

Advice, Support & Further Information

- 5.32 Further information relating to this Policy can be obtained from:

Senior Responsible Officer (SRO):

Single Point of Contact (SPoC):

- 5.33 Further reading and supporting information:

Title (as hypertext link) and publication date	Author
https://register-drones.caa.co.uk/drone-code	Civil Aviation Authority
https://www.caa.co.uk/Commercial-industry/Aircraft/Unmanned-aircraft/Small-drones/Regulations-relating-to-the-commercial-use-of-small-drones/	Civil Aviation Authority
https://ico.org.uk/your-data-matters/drones/	Information Commissioner's Office
https://www.nottinghamshire.police.uk/advice/drone-law-uk	Nottinghamshire Police