



Leicester City Council

**Unmanned Aerial Vehicle Policy**

**2019**

(including the regulation of Drones and Model Aircraft)

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## 1. Introduction

Leicester City Council has introduced an Unmanned Aerial Vehicle usage policy in response to an upsurge in public request and usage occurrences on council land including parks and public open spaces.

Unmanned Aerial Vehicles (U.A.V.s) are likely to be operated in a way that may pose a greater risk to the public than might immediately be apparent to operators. Unlike manned aircraft, there are few enforced operating guidelines. Operators may not be aware of the potential dangers or indeed the responsibility they have towards not endangering the public.

In addition, much larger unmanned aircraft are now being developed. These aircraft are required by National and European law to be designed and manufactured to an approved standard, and very often require a great deal more space in which to operate. It is therefore necessary to take additional steps to ensure that the aircraft can be safely integrated with other airspace users - both in the air and on the ground.

In January 2010 the **Civil Aviation Authority** (CAA) introduced regulations that required operators of small unmanned aircraft used for aerial work purposes and those equipped for data acquisition and/or surveillance to obtain permission from the CAA before commencing a flight within a congested area or in proximity to people or property. The Civil Aviation Authority remains the central point of contact for all practical, permission and exemption aspects of U.A.V.s.

All work and surveys carried out using a UAV are currently subject to The Air Navigation Order 2016 or such other legislation that will presumably amend or succeed it over time.

***For a full copy of the CAA policy CAP 3939 Air Navigation: The Order and Regulations please visit [www.caa.co.uk](http://www.caa.co.uk), alongside further information and guidance on operation, safety, formal permission request etc.***

**Further to this, all flights require permission from the relevant land owner, regardless of the existence or not of other formal permissions or insurances held.**

## **2. Leicester City Council Land Owner Stance – U.A.V. - Drone Use**

*Zero Tolerance/permission* will be enforced/granted by Leicester City Council to any request made to us for recreational, amateur, social, hobby purposes as land owner to fly Unmanned Aerial Vehicles of this type on Leicester City Council land.

Exemptions to LCC Policy will only be granted where usage of such a device aids risk reduction i.e. working at height, building survey work or undertaking a professional service, i.e. Festivals & Events Media.

For commercial or professional flights where it is believed use of a U.A.V. should fall into the exemption criteria, an application process is available. Please refer to appendix (ii) for more detail on application criteria. Applicants should address their request by e mail to [Parks@leicester.gov.uk](mailto:Parks@leicester.gov.uk) in the first instance.

## **3. Leicester City Council Land Owner Stance – Model Aircraft Use**

*Zero Tolerance/permission* will be enforced/granted by Leicester City Council to any request made to us for recreational or commercial purposes as land owner to fly model aircrafts on Leicester City Council land.

Exemptions will only be considered, where users are part of a formalised model aircraft flying club that can demonstrate all health and safety and insurance measures are in place. A license agreement must be made with Leicester City Council and the formalised club before site usage can be established. There is currently only one such club licensed in this way (based in Braunstone).

## **4. Basis for Leicester City Council's Position**

Reasons behind our zero tolerance or permission policy for recreational, amateur, social, hobby requests:

- LCC granting permission could leave the local authority liable for subsequent actions brought about by drone activity when operated from land under our ownership.
- The proximity of many of our sites to neighbouring residential and business properties together with the potential risk of causing alarm, distress or harassment to occupants.
- Potential risk of accident, injury to other site users or property because of user or model aircraft error.
- LCC feels this approach relevant to the maintenance of privacy considerations for our site users, tenants and neighbours.

## **5. Specific Note Regarding Park Enforcement & Byelaws**

If person/persons are found to be using a drone device from Leicester City Council land without permission, they will be requested to stop immediately. If the user refuses to stop, the Police will be called to attend to cease activity and remove the user from Leicester City Council land.

It is important to note that Parks and Open Spaces carry dedicated legislation prohibiting flights within their criminal Byelaws as follows:

### **Leicester City Council**

#### **BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES 2019**

##### **General prohibition**

31. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
- (b) land in the ground without reasonable excuse;

other than in a designated area for flying model aircraft.

##### **Obstruction**

38. No person shall obstruct:

- (a) any officer of the Council in the proper execution of his duties;
- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
- (c) any other person in the proper use of the ground.

##### **Removal of offenders**

40. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

##### **Penalty**

41. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **6. References**

Air Navigation: The Order and the Regulations CAP 393

Air Navigation Order 2009

Leicester City Council Byelaws for Pleasure Grounds, Public Walks and Open Spaces 2019

[www.caa.co.uk](http://www.caa.co.uk)

## Appendix (i)

### Exemptions & Permissions:

- **Leicester Police** have been granted a licence to operate their Unmanned Aerial Vehicle(s) from Pleasure Grounds, Public Walks and Open Spaces in Leicester.
- **“Braunstone Flyers”** are subject to an agreement with Leicester City Council pertaining to the operation of Unmanned Aerial Vehicles from their designated location within Braunstone Park, Leicester, commensurate with the Terms and Conditions specified.

## Appendix (ii)

**Consideration of applications for U.A.V. operation within Leicester City will be restricted to the following categories:**

- Specialist professional building surveys
- Public Interest media filming
- Mitigation of Health & Safety Risks
- Positive Promotion of Leicester City's Profile
- Lack of operational alternatives to U.A.V. deployment within a project

All professional/commercial applications that feel they fit within this view should complete an application form, together with the required enclosures, agree to the Terms and Conditions, meet any additional requirements L.C.C. feel necessary and pay the £50.00 administration fee.

Payment to be made by cheques made payable to Leicester City Council.

This process to be submitted a minimum of twenty-one days prior to the requested time of deployment or permission may not be granted.

Completed applications are to be returned to,

Kevin Southerill, Parks Security Officer, Abbey Park Lodge, Abbey Park, Abbey Park Road  
Leicester, LE4 5AQ

You can also email your completed application or any enquiries in relation to drone applications to [parks@leicester.gov.uk](mailto:parks@leicester.gov.uk).

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## APPLICATION FOR PERMISSION TO USE AN UNMANNED AERIAL VEHICLE WITHIN LEICESTER CITY

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To apply for permission to use and operate an Unmanned Aerial Vehicle or system (E.G. Drone) within the area defined as coming under the Administrative boundary of Leicester City.

The applicant must complete and sign this Application Form, agree to the terms and conditions, then submit it to [Parks@leicester.gov.uk](mailto:Parks@leicester.gov.uk) together with the requested documentation. Payment of a £50.00 fee will also be required. All documentation is to be provided at least twenty-one days before the planned deployment. Failure to comply may result in the Council refusing to grant permission to the applicant.

### APPLICANT

Name	
Company	
Address	
Postcode	
Landline Telephone	
Mobile telephone	
E Mail Address	

### PILOT

#### IF DIFFERENT TO ABOVE - PLEASE COMPLETE THIS SECTION

Name	
Company	
Address	
Postcode	
Landline Telephone	
Mobile Telephone	
E Mail Address	
Qualifications	



# UNMANNED AERIAL VEHICLE

Type			
Model			
Size			
Weight			
Equipped With	Camera Recording	YES/NO	Delete as required
	Audio Recording	YES/NO	Delete as required

## USE OF U.A.V.

Proposed Location for Deployment			
Purpose of Deployment			
Requested Period of Use	From - Time:	Date:	
	To - Time:	Date:	
Description of Take-Off and Landing Position Within Site			
Method to isolate Take-Off and Landing position from public access (e.g. Fencing/Tape)			

**THE FOLLOWING INFORMATION IS TO BE ENCLOSED WITH THIS APPLICATION**

	YES ✓	NO ✓	N/A
CAA Certification (PfCO Licence)			
Proof of ATC approval where applicable			
Public Liability Insurance Policy			
Map of proposed flight path			
Full Risk Assessment			
Preliminary Site Survey			
Survey permission given by commissioning agent (if applicable)			

**THIS IS AN APPLICATION ONLY AND DOES NOT CONSTITUTE PERMISSION TO USE AN UNMANNED AERIAL VEHICLE**

On receipt of the completed form and any further information required, Leicester City Council will consider this application.

No use of any U.A.V. is permitted within Leicester City until written permission is confirmed by L.C.C. and received by the Applicant.

By submitting this application, the Applicant:

- 1/ confirms that the details provided by them in this application form are true, accurate, complete and
- 2/ acknowledges that any permission granted by L.C.C. will be given strictly subject to the Terms and Conditions set out in the schedule to this application form and agrees to be bound by those Terms and Conditions.

**Agreed and Accepted by Applicant:**

(Signature)

(Printed Name)

(Title)

(Date)

**Office Completion:**

Allocated Application Ref. Number:

UAV.....

**LCC TO CONSIDER, REQUEST AND EVIDENCE THE FOLLOWING PRIOR TO ISSUING PERMISSION:**

	N/A V
Additional permissions needed:	
Festivals and Events/Highways comments:	
Dates/Times/Locations excluded from flight permission:	
Special considerations to be applied to this application (e.g. additional notifications to E.M.A.S. or other Agencies):	
Do residents require notification for reassurance?	
Site access issues to resolve/arrange:	
Level of Public Liability Insurance required by Leicester City Council for this specific flight:	

**Terms & Conditions applying to use of the U.A.V. (IF PERMISSION IS GRANTED):**

**1. Licence**

In consideration of the obligations contained in this Application Form, if Leicester City Council grants permission to operate the U.A.V. within the specified area defined within the permission confirmation, then it will do so on the basis of a non-transferable and non-exclusive licence granted to the Applicant personally to operate the U.A.V. at the Location(s) for the Purpose during the Use Period only, and otherwise strictly subject to these Terms & Conditions and any other conditions attaching to Leicester City Council's permission.

**2. Operation**

**2.1** Prior to use, the Applicant shall (and shall procure that the Pilot shall) ensure that the U.A.V. is in good and safe working order generally, and that all proper safety precautions, checks and tests have been taken, including the testing of all safety and warning lighting and devices.

**2.2** In operating the U.A.V., the Applicant shall (and shall procure that the Pilot shall) ensure that:

- (a) the U.A.V. is operated safely and for legitimate purposes only by properly qualified, skilled and competent persons, and is not used for any purpose that is unsuitable for its technical or operational capabilities;
- (b) no nuisance or disturbance is caused to residential property or any of the other users or occupiers of the City or its or their use and quiet enjoyment;
- (c) no interference is caused with the receipt or transmission of electronic communications within, to or from private, commercial or public sources and, if necessary, all necessary steps have been taken to prevent such interference (including, the suppression of electrical interference by the U.A.V. and the fitting of any temporary devices to preserve the quality of electronic reception in the surrounding area;
- (e) the U.A.V. is operated in full compliance with all applicable laws, regulation and codes of practice (including, all Health and Safety legislation, the Data Protection Act 2018 and the CCTV Code of Practice issued by the UK Information Commissioner's Office);
- (f) the U.A.V. is operated in accordance with all regulations, codes of practice, directions and instructions issued by the Civil Aviation Authority, Air Traffic Control or any other relevant authority;
- (g) the Pilot shall wear high-visibility clothing clearly identifying him/her as the Pilot of the Drone; and
- (h) the Pilot shall at all times carry evidence that Leicester City Council has given permission for the operation of the U.A.V. and all terms and conditions attaching to that permission.

**2.3** The Applicant shall immediately notify Leicester City Council of any injury or damage caused by the U.A.V. or its operation, including damage to any buildings, fixtures, structures (permanent or temporary), goods, chattels, vehicles or equipment, whether belonging to Leicester City Council or any other person.

**2.4** The Applicant shall ensure that the Pilot holds all necessary permissions, licences, permits, consents or authorisations for aerial work issued by the Civil Aviation Authority, and complies in full with the terms of such permission, licence, permit, consent or authorisation, and will not contravene, by act or omission, any applicable law, regulation or code of practice in force from time to time, including, the Air Navigation Order 2009, EC Regulation 785/2004 and the Data Protection Act 2018.

### **3. Acknowledgement**

**3.1** The Applicant acknowledges and agrees that Leicester City Council shall not be liable to the Applicant, the Pilot or to any other person, whether in tort (including for negligence or breach of statutory duty), contract or otherwise, for any death, personal injury or damage (to property or otherwise) caused by the U.A.V. or its operation.

**3.2** The Applicant acknowledges that there is an inherent risk of physical injury or property damage being caused to anyone or anyone's property, connected to the operation of Drones and voluntarily assumes and willingly accepts all such risks.

**3.3** Where the Drone is equipped with any camera or audio recording equipment, the Applicant acknowledges that Leicester City Council has not sought or obtained any consents in relation to the making, use or processing of any recordings so obtained.

### **4. Indemnity**

The Applicant shall at all times indemnify Leicester City Council and any other users or occupiers of Leicester City's land and any other person against any of the following events arising out of or connected with either the use and operation of the U.A.V. or the use or processing of any recording made during such use and operation or any breach of, or non-compliance with, any of these Terms & Conditions, including any wrongful act, neglect or default of any person operating the Drone:

- (a) any damage or injury or death sustained by Leicester City Council or any of the other user or occupier of the City of Leicester or any other person;
- (b) any loss of or damage to the property of Leicester City Council or any of the other users or occupiers of the City or any other person, including any buildings, fixtures, structures (permanent or temporary), goods, chattels, vehicles or equipment; and
- (c) all actions, proceedings, claims, demands, losses, costs, damages, expenses and liability brought against or suffered or incurred by Leicester City Council or any other users or occupiers of Leicester City or any other person.

### **5. Termination**

Leicester City Council has the right at any time and for any reason to terminate any permission or licence granted by it in connection with the U.A.V. Termination shall not affect either any of the rights or remedies of Leicester City Council the obligations or liabilities of the Applicant that have accrued up to the date of termination. The Applicant shall not be entitled to any refund of any fees paid in consideration of this licence in the event of termination.



## **Additional notes regarding this application process**

Consideration of applications for U.A.V. operation within Leicester City will be restricted to the following categories:

- Specialist professional building surveys
- Public Interest media filming
- Mitigation of Health & Safety Risks
- Positive Promotion of Leicester City's Profile
- Lack of operational alternatives to U.A.V. deployment within a project

Reasons for rejection of any application may include, but not be entirely restricted to the following:

- Non-conformity or omission of required permissions & authentications
- Poor understanding demonstrated within risk assessment and operational explanations/plans
- Flight timing/location inappropriate to surroundings, conditions, activities
- Poor planned control of take-off and landing area
- Failure to ensure timely submission of applications or returns
- Failure to sign/agree to Terms and Condition requirements
- Failure to act upon recommendations and insurance levels specified by Leicester City Council within the application process
- Leicester City Council consider the deployment too dangerous for the public, staff, structures or services impacted
- Emergency services present irreconcilable concerns
- Changes occur, or are anticipated, at the time of deployment that compromise the original assessed risks and parameters reflected within the application
- Indications are present that contravene Council values or promote Community Tension or instability

### **Administration Charge:**

The current fee payable to cover administration is £50. Please disclose the following details for invoicing purposes. Applications will only be considered from completed submissions.

**Please complete the appropriate version below:**

## **Company Application**

Company Name: \_\_\_\_\_  
Phone Number (Landline): \_\_\_\_\_  
E Mail Address: \_\_\_\_\_

### **Address of Head Office**

Number/Name: \_\_\_\_\_  
Street: \_\_\_\_\_  
County: \_\_\_\_\_  
Postcode: \_\_\_\_\_

Limited Company Registered at Companies House	Yes/No (Delete)
Charity Reg. with Charity Commission	Yes/No (Delete)
Community Group	Yes/No (Delete)
Government Organisation	Yes/No (Delete)
LCC Owned School	Yes/No (Delete)
LeicesterCare	Yes/No (Delete)
Local Authority	Yes/No (Delete)
Non-LCC Education/University	Yes/No (Delete)

## **Private Application**

Title: \_\_\_\_\_  
First Name: \_\_\_\_\_  
Middle Name: \_\_\_\_\_  
Last Name: \_\_\_\_\_  
Date of Birth (Optional): \_\_\_\_\_  
Home Phone (Landline): \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_  
E Mail: \_\_\_\_\_

### **Home Address**

Number/Name: \_\_\_\_\_  
Street: \_\_\_\_\_  
County: \_\_\_\_\_  
Postcode: \_\_\_\_\_