

Preferred Practice Notes

for organisers proposing events or filming activities in Birmingham on the public highway or in council managed areas of the City.

Film Birmingham

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Risk Assessment in Event and Filming Activities

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Risk Assessment in Event and Filming Activities

Introduction

The law requires all employers to undertake risk assessments under the 'Health and Safety and Welfare at Work Act 1974', which was explicitly stated in the 1992 regulations and reinforced by the issue of the 'Management of Health and Safety at Work Regulations 1999'. However, this must be done in a reasonably practicable manner, which allows the assessor to take into account the extremity of the control action to solve a minor or impossible hazard.

The following pages suggest one way of doing this - there are many, and you may already have a system that is more appropriate to your industry. Our notes mention the basic criteria for any risk assessment and you are advised to seek professional advice for complex activities.

The notes are not prescriptive. However, you have a legal duty to assess risks to your staff, contractors, suppliers and members of the general public. We expect to see documented evidence of that process being completed before we raise no objection to your proposed activity on the public highway, or when using any of the Council's assets or premises.

Our Corporate Aims for Risk Assessment

Birmingham City Council aims to:

- ensure that the people it deals with and its assets and liabilities are protected in the most cost effective way by the use of risk management techniques;
- ensure that a constant approach to risk management is adopted throughout the Council;
- create an environment where all employees throughout the Council will assume responsibility to avoid loss, damage, or injury.

To enable Film Birmingham to help enact this policy a risk assessment will be carried out for filming and event activities. Film Birmingham will require organisers and production companies to provide a documented risk assessment for their activities to enable us to complete our risk assessment.

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The Organiser's Event or Filming Plan

The risk assessment process is one component of the organiser's event or filming plan, which normally also include:

- our Filming Request / application form;
- a running order for both the 'build' and the participants;
- a set of route or location plans;
- a set of technical drawings for use in construction, and
- a contact database.

Some of these may assist or be a formal part of the risk assessment.

Risk Assessment Process

The basic process uses five stages of assessment:

- identify the hazard;
- evaluate the risk;
- develop an action plan;
- enforce the plan on site;
- review your plan.

The assessment is then used to assist in health and safety enforcement on site. A risk assessment may also be a precondition to validate your insurance cover. You should note that a risk assessment is only a valid reference document if it is made prior to the event or filming activity taking place. An obvious statement, perhaps, but if you are able to show that you did an assessment before the accident or incident took place, it can be used in your evidence to an inquiry.

Identify the Hazards

Hazards are anything which might endanger a person or could cause a normally safe piece of equipment to become dangerous. 'Slips, trips and falls' are a good place to start. These criteria will identify equipment, structures and methods of work which could create a hazard.

You might begin with a simple description of the proposal, which will highlight that a particular sequence or piece of equipment needs to be used. If this equipment is hazardous, such as a laser – or plant, such as a 'cherry picker' – then reputable suppliers will supply a basic risk assessment for the conditions of use of their piece of equipment.

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Other important hazards to consider are the environmental site conditions (e.g. narrow footway, or height restrictions) and behavioural patterns (e.g. a 'cut-through', or a major through route).

Part of your job in assessing the risk is gathering information from suppliers, the operators and the intended venue, so that these can be combined into your assessment.

Evaluate the Risk

You cannot evaluate the risk without identifying the hazards. It might seem obvious, but until you do this the process will not have a sound basis.

Some risks are obvious and can be easily eliminated. Do not rely on any action that requires human decision to completely eliminate the risk, as this is usually an unacceptable risk in itself.

Sometimes the existing solution is adequate. It is perfectly reasonable to recognise and record this in your assessment.

Avoiding the risk is the best solution. However, unless you completely change the idea (and you will probably not have the final say in this – those doing the assessment rarely do!), the law accepts a certain amount of risk is acceptable. How much is reasonable is your assessment before the event. After the event a magistrate, judge, or jury will decide.

The evaluation step weighs the degree of risk and control measures to reduce or avoid the risk. As elimination of any risk on the public highway is very unlikely, the control measures take on an increased importance for safe use.

There are many ways to evaluate **risks**. Good practice, industry best practice, official guidance and experience are **all a sound basis** to commence the process and some are very good defences after an incident.

Develop an Action Plan

The law requires all employers to undertake risk assessments under the 'Health and Safety and Welfare at Work Act 1974', which was explicitly stated in the 1992 regulations and reinforced by the issue of the 'Management of Health and Safety at Work Regulations 1999'. However, this must be done in a reasonably practicable manner, which allows the assessor to take into account the extremity of the control action to solve a minor or impossible hazard.

All necessary control actions should be stated. If they are outside your control say so at the appropriate point in the assessment and draw it to the attention of those that are able to act.

In the public street there may well be actions that you need us to consider or help alleviate. These need early identification and should be on your agenda for our first site meeting. **If any actions are required prior to the event or filming activity, then this needs to be highlighted and the appropriate periods allotted to complete the tasks – this would include training or briefing sessions. It also includes safety and planning meetings with us and the other authorities.**

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Your action plan must also include how the risk assessment is communicated to your staff, so that everyone knows who's responsible for what and when they need to act. The plan should emphasise that everyone has a responsibility to both themselves and others to help guard against injury, damage and loss.

Enforce the Plan on Site

This is the most public and crucial part of your risk assessment and you should allow for sufficient resources to enforce the action plan on site. Resources might be people, equipment, experience, money or time. The practical combination of these provides your enforcement. An overview of your plan by an experienced practitioner would be a useful addition to your risk assessment process.

Review your Plan

For events or film activities that are repeated this will be particularly appropriate. Some reviews may help reduce your insurance premiums. It is good practice to have a de-brief. Dependent on the type of activity this may be appropriate immediately, or after a set period of time to allow proper consideration by all parties.

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How We Assess Risks In Public Spaces

Our risk assessment for events or filming activities seeks assurances through the organisers risk assessment plan. On larger events the minutes from specific event safety planning meetings are part of our risk assessment process. We add into this process our experience of a very large range of annual events and filming activities to judge whether the organiser's event plan is capable of being practically executed to reduce risks to the public.

We will not directly assess your plan for those matters that are entirely the organiser's responsibility. We will focus on the interface between the public authorities' organisations and the organiser's infrastructure.

In assessing the risk to the public will consider (but not exclusively or in this order):

- time;
- location;
- date (s);
- type of event;
- organisation's ability to carry out the agreed event plan;
- views, through consultations with police, transport, government agencies, building occupiers, residents, and other agencies;
- co-ordination of council wide activities;
- public safety review if large crowds are expected – including pinch points and crowd flows.

All these factors interact with each other. The weighting assigned to these factors varies, dependent upon the type of event or filming proposed.

How We Enforce Our Action Plan

Officers from Film Birmingham co-ordinate the council wide enforcement on special events and filming activities. Health & Safety considerations will be:

- food safety;
- noise nuisance;
- crowd safety measures – including barrier configurations and stewarding;
- safety planning – including the effects of contingency planning for the event (organiser's responsibility) and for the effect of the event on the location (City Council's responsibility);
- 'Slips, Trips and Falls' inspections on site;
- checking the display and holding of public liability insurance, electrical safety certificates or other necessary certification, such as building control notices and neighbours' agreements.

Dependent upon the event or the number of other events taking place across the City, Film Birmingham officers will make at least one visit to the event or filming site. Visits by other

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council officers in specialised enforcement teams to the locations are part of our risk planning and occur on an unannounced basis.

Our Control Measures

For most events we issue the organiser with a letter containing a number of set conditions requiring consultations, the acquisition of various consents and an undertaking to act within the law. Public indemnity insurance is required in all circumstances and is a pre-requisite for any event or filming activity to take place.

Prior to the event or filming activity Film Birmingham officers will chair round table meetings, or in the case of small activities an on site meeting, to enable all parties to make their risk assessments.

The letter of conditions is then used as our control measures and is the basis for our physical enforcement.

We reserve the right to refuse our consent for any event or filming activity if documentary proof of an appropriate risk assessment has not been supplied to us.

Extreme measures for enforcement may also be used. Either a 'stop' or an 'improvement notice' could be issued where all negotiations fail, or where a person is behaving unreasonably. The Police do, of course, have some powers of arrest to help enforcement, but this would be as a last result.

Utilities

There are a large number of utility companies with a license from the Department of Trade and Industry to excavate in the public streets. Recent publicity has persuaded some of the larger companies and those **regularly** working in Birmingham to co-ordinate their efforts and give sufficient notice to enable others to plan. There are, however, a large number of companies who give insufficient notice and who are not prepared to alter schedules to suit public events or filming. This is one of the principle reasons for our rider in giving any consent or stipulating any condition that there may be circumstances beyond our control, which either causes cancellation or major modification. These sorts of conflicts are beyond our contingency planning or action in any risk assessment and would rely on organiser's direct appeals to the companies concerned.

Further Information

The Health and Safety Executive publish '[Five Steps to Risk Assessment](#)', which sets out who is responsible for assessing which risks, what regulations need to be covered and where to obtain further information.

The Health and Safety Executive can be contacted at:

The Information Centre
Broad Lane
Sheffield
S3 7HQ
T: 0541 545500
W: www.open.gov.uk/hse/hsehome.htm

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Appendix

- Typical Risk Assessment Form for Major or Complex Event and Filming Activities
- Typical Risk Assessment Form for Small or Simple Event and Filming Activities
- Typical Risk Assessment Matrix any Event and Filming Activity
- Risk Assessment Checklist

Typical Risk Assessment Form for Major or Complex Event and Filming Activities
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Issued March 2007

Risk 'To Whom' : **P** = Public **S** = Staff **A** = Artistes or Participants

We recommend that you enlarge this page to A3

Hazard		To Whom	Severity Rating (SR)x Likelihood (L) = Risks without Control (R No C)			Minimise Risk by	Severity Rating (SR) x Likelihood (L) = Residual Risk (R)		
Ref. No.		P, S or A	SR	L	RNoC	Action	SR	L	R

When filling in this form begin with the generic hazard. Action against a previous hazard may cause a further hazard, which should be noted.

Typical Risk Assessment Form for Small or Simple Event and Filming Activities
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Description of Work <i>(be specific)</i>	Person responsible	Date	Completed	Review date
			Yes <input type="checkbox"/> No <input type="checkbox"/>	

Harm 'To Whom' : **P** = Public **S** = Staff **A** = Artistes or Participants or Contractors

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List hazards and their <i>potential</i> to harm		Harm to Whom?	Current or likely exposure				Minimising Risk		List further control measures and actions required to reduce risk to acceptable level
Ref No.		P, S or A	Frequency <i>(once, twice per day)</i>	Duration <i>(minutes, hrs, days)</i>	How many could be harmed? <i>(acute or chronic,)</i>	How badly? Minor > 3 days Major/disabled, serious illness <i>(acute/chronic), deaths?</i>	List control measures already in place <i>(include compliance with HSE, guidance, good practice)</i>	Level of Risk?	

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Film Birmingham Risk Assessment Grid

This document is available on our web site at 'www.filmbirmingham.co.uk'

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Severity of Injury		Multiple Death	Single Death	Major	3 Day	Minor	No Risk
Likelihood	Rating	10	8	6	4	2	1
Certain	10	100	80	60	40	20	10
Very Likely	8	80	64	48	32	16	8
Probable	6	60	48	36	24	12	6
Possible	4	40	32	24	16	8	4
Unlikely	2	20	16	12	8	4	2
Very Unlikely	1	10	8	6	4	2	1

The above matrix is a simple example of the type of grid that you could use to assess your risks. What an acceptable benchmark for the type of operation that you are carrying out is for you to assess. From this you can see that anything rated from 'possible' and 'multiple death' would attract a high risk number and would be an unacceptable risk for us in any event or filming activity in Birmingham City Centre, without the necessary control mechanisms which may need to incorporate items from our assessment.

If any risk above '24' is recorded, then a practical (probably physical) control mechanism will be a pre-requisite in our risk assessment process before any consideration for the event or filming activity takes place. Risks between '24' and '16' are likely to require a physical on site check. Those below '16' are likely to be procedural. However, whatever your assessment, we reserve the right to reject or modify your assessment in favour of our own assessment as a condition for our approval or consent. There is no guarantee that our assessment will match yours.

Typical Risk Assessment Check List for Event and Filming Activity

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Risk Assessment Checklist

		Yes	No
1	Has the risk assessment exercise been conducted in a comprehensive manner by looking at all significant hazards?		
2	Is the date of each assessment recorded?		
3	Are the names and positions of the assessors given?		
4	Does the risk assessment detail the following: <ul style="list-style-type: none"> • location of work activity covered? • the hazard(s) being assessed? • the persons and total numbers likely to be affected by the hazard? • any persons who are especially at risk (<i>e.g. young or inexperienced staff, disabled, infirm or elderly</i>)? • the relevant legislation, ACOP or official guidance? 		
5	Does the hazard actually record the degree of risk associated with the hazard(s)?		
6	Is the risk recorded in terms of high/low/medium?		
7	Is the risk calculated by reference to the likelihood of the hazard being realised in practice, the potential severity of outcome (i.e. the seriousness of possible injuries), together with the number of persons likely to be affected by the hazard?		
8	Is the actual risk calculated likely to be correct, bearing in mind your knowledge of the organisations and conditions found on site?		
9	Does the format of the assessment encourage an evaluation of the potential for eliminating the hazard altogether?		
10	Does the format of the risk assessment encourage an evaluation of the potential for significant risk reduction by changing operational arrangements, or re-organising the work place or by some other means?		
11	Does the risk assessment list the control measures currently in place to minimise the risk?		
12	Have existing control measures been checked to see whether they are effective and are working as planned?		
13	Where the existing controls are not considered to be sufficient to adequately eliminate, or minimise the risk have additional controls been identified?		
14	Do these controls follow a clear hierarchy of effectiveness?		
15	Are the improvements which have been identified, sufficient to minimise the risk in practice?		
16	Where improvements or additional controls have been identified, has an action plan been drawn up?		
17	Where such a plan has been drawn up, have clear actions been allocated to named individuals with realistic time scales for completion?		
18	Have these time scales been determined according to priority using the assessment of risk evaluated earlier?		
19	Where the date for actions has been passed, have the improvements actually been progressed? <i>Contd. over</i>		
20	If the date has been exceeded, is there a valid reason and have revised dates been set?		

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Typical Risk Assessment Check List for Event and Filming Activity

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21	Has the assessment been signed by those responsible for the exercise?		
22	Have specific triggers for the review been set?		
23	Has a date been set for formal review of the assessment?		

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