



# Filming in Birmingham

## Code of Practice

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## **Introduction**

Birmingham & the West Midlands welcome film & TV production in and around the region and recognise the benefits this activity brings. Birmingham City Council (BCC) is committed to Birmingham being 'film friendly' whilst ensuring that any filming activity is accommodated in line with the duty of care towards its residents and businesses. As a result it has a dedicated team, Film Birmingham (FB) to manage all requests to film in and around Birmingham.

## **Birmingham City Council's Filming Code of Practice**

The principals of best practice which are detailed in this Code of Practice has been developed by FB and industry professionals, in consultation with BCC. This Code of Practice is intended as a guide to the requirements for filming on the highway and other public places and aims to ensure that:

- all involved in filming in the city act responsibly and professionally at all times
- all productions are aware of the guidelines under which FB operate and the BCC's services on offer
- the principles of best practice for filming in the city are understood by all productions
- timescales and notice requirements are highlighted in relation to regulatory and statutory matters
- the practical impact of filming on people and businesses within Birmingham is minimised
- the economic and cultural benefits to Birmingham of such filming are maximised
- through a combination of the above, the long-term sustainability of filming in Birmingham is secured

Although this Code is a voluntary agreement, it incorporates references to statutory obligations which all those engaged in filming in Birmingham must adhere to.

## **General Procedures**

Prior to and during filming the BCC request all productions to:

- provide adequate notice when making arrangements for filming so that FB may facilitate liaison in a timely and efficient manner
- not obstruct others from carrying out their business
- be responsible for their own health & safety
- provide notice of any changes to schedule or filming activity
- On completion of filming provide information and feedback on your experience in Birmingham.



### **Acceptance of Code of Practice**

All productions are requested to agree to adhere to the code prior to filming in Birmingham to ensure the full co-operation of BCC and West Midlands Police and other relevant public agencies

### **Disclaimer**

Any filming undertaken in Birmingham and any liability therefore, is the sole responsibility of the Producer/ Production Company and its employees. BCC will accept no liability for loss, financial or otherwise, alleged to have incurred as a result of these guidelines. Please note, whilst BCC aims to ensure that the guidelines in this document are as comprehensive as possible they are not exhaustive and may be subject to change at any time. This code does not form an exhaustive list of requirements/procedures for filming in Birmingham. The contents are intended for guidance purposes only. In certain circumstances BCC, West Midlands Police, emergency services or location owners may deem it necessary to impose additional stipulations on filmmakers.

### **Apply to Film in Birmingham**

Birmingham City Council (BCC) operates a Film Permit system. Applications for film permits to film in and around Birmingham should be made on-line via the Film Birmingham website, [www.filmbirmingham/filming-application-form/](http://www.filmbirmingham/filming-application-form/)

### **Cabling**

- a. No cables shall be run over the public highway in such a manner to cause a hazard to the general public, residents or businesses.
- b. All cables should be made safe as they are laid and not some time later.
- c. If there is deemed a need to lay cabling across a public highway, attached to street furniture or flown for a safer method of working and public access, it is expected the Production Company would submit a method statement to FB for consideration by BCC Highways.

NB- Rubber matting should be regarded as essential safety equipment and should be carried as a matter of course

### **Camera Track**

- a. All matters relating to tracking and filming equipment must be discussed with the relevant BCC department via FB at least 7 days in advance of filming. Any obstructions or alternative footways planned must always be cleared by BCC. In certain circumstances, tracking boards may be required
- b. The Production Company should ensure that pedestrians, and in particular wheelchair users, are not impeded by filming. The safe minimum width of 1.5m must be provided to maintain the public's right of way on footways. It is not acceptable to force pedestrians to cross over or walk in the road (unless an alternative walkway is provided in line with Chapter 8 of the Highways Act)
- c. Any equipment in the road must be discussed with BCC via FB at least 7 days in advance of filming, as it will usually warrant a site-meeting. Roads must not be blocked beyond the minimum width required to maintain traffic flow, and in some instances, Police assistance may be necessary. The minimum widths to be maintained are 3.5m on a one-way street and 7m on a road with two way traffic flow

### **Catering**

- a. The citing of catering vehicles must be discussed in advance with BCC via FB as there are a number of areas where location catering vehicles are prohibited from parking up
- b. It is the Producers responsibility to ensure that all litter and waste is removed before the end of each days filming and disposed of in accordance with the Environmental Protection Act 1990

### **Child Performers**

- a. Any filming involving the employment of children (whether paid or unpaid) must be cleared through BCC's Child Employment department. The employment of child actors is governed by one main area of legislation being; the Children and Young Persons Act 1933 and 1963 with additional simplified and streamlined regulations which came into effect in February 2015 being 'the Children (Performances and Activities) (England) Regulations 2014'
- b. Producers must make adequate provision for the education and health needs of all children employed when filming. A child is a young person of less than 15 years of age or who is still subject to full-time education
- c. For advice and guidance on any matters relating to the use of children for filming, contact the Child Employment Department, call - 0121 303 8900, email - [childemployment@birmingham.gov.uk](mailto:childemployment@birmingham.gov.uk). You must allow a minimum of 28 day notice for the issuing of a Child License.



### **Coning**

The productions own placement of cones has no legal force to secure parking and their use must be agreed in advance of their use, with BCC via FB.

### **Council Property**

- a. The use of any BCC property as a film location will be facilitated by FB with BCC subject to sufficient notice. A copy of BCC's Filming Indemnity Form (available from FB) must be completed in advance of its use of all BCC buildings or facilities for photography, TV recording, filming or broadcast
- b. A location fee will be charged to reflect the level of disruption, staff time and any additional costs incurred as a result of the filming activity on site which will be invoiced to the Production by FB.
- c. Any damage caused by a production will be re-charged to the production company by FB.

### **Consultation**

It is the responsibility of the Producer to ensure that residents and businesses are consulted prior to any filming activity that may be impacted upon. This should be carried out by either letter dropping or visiting such parties and consulting everyone. Letters must include the details of Film Birmingham with a telephone number and email address. Objections may result in the decline of filming permits.

### **Cranes/Jibs/Cherry Pickers**

- a. BCC via FB must be informed of the citing of cherry-pickers/cranes/jibs on the public highway so that clearance/permits can be arranged. The location manager and a representative of the crane hire company must discuss the exact positioning of such equipment with a member of BCC via FB (usually at a site-meeting) and the conditions of any permission granted should be adhered to at all times
- b. At night or in conditions of poor visibility, warning lights should be placed around the cherry picker or crane
- c. Rigging or de-rigging must be carried out at times that will not cause any unreasonable noise or nuisance Please see Noise and Nuisance section

### **Credits**

BCC requests that location and/or filming credits be acknowledged for all filming activity taking place on the public highways in Birmingham. Credits should refer to 'Film Birmingham' or 'Birmingham City Council Film Office 'Film Birmingham''



## **Designated Areas**

- a. Film-makers' activities should be limited to areas and times for which permission has been granted
- b. Production (technical) vehicles should be parked where agreed at pre-arranged times. Engines should be switched off on arrival. Cast and crew should not park in the immediate vicinity of a location unless spaces are provided
- c. Drinks and meals should be taken in designated areas
- d. No smoking areas must be observed. Where smoking is allowed, cigarettes must be extinguished in the ashtrays provided by the Production Company
- e. Crew members must not trespass onto neighbouring property or enter areas of a location which the owner has stipulated may not be used for filming

## **Drones**

For detailed guidance notes on the use of SUA's (Small Unmanned Aircraft) such as Drones and Octocopters please see Appendix 1 'Aerial Filming' at the end of this Code of Practice.

## **Filming From Vehicles**

- a. The Production must inform BCC via FB when filming from a moving vehicle on a public highway (this includes, but is not limited to, the use of low loaders, tracking vehicles and a-frames). BCC will consult with West Midlands Police when any such request is received
- b. All Road Traffic Legislation must be complied with and a full Method Statement and Risk Assessment must be submitted to West Midlands Police and BCC via FB

## **Film Permits**

BCC operates a Film Permit system. This means anyone wishing to film in or around the public highways will require a permit to do so. For further information on how to apply as well as all Terms and Conditions please visit FB website

[www.filmbirmingham/filming-application-form/](http://www.filmbirmingham/filming-application-form/)

## **Firearms & Weapons**

- a. It is the responsibility of the Production Company to ensure the safe custody of firearms or mock/replica firearms and other offensive weapons, at all times
- b. The use of firearms and weapons must be discussed in advance with FB, who will consult with the West Midlands Police and the appropriate emergency services.

### **Generators**

- a. All generators must comply with the specific requirements of the Environmental Protection Act (1990) and be positioned as far away as reasonably practicable from all residential and business properties unless prior permission has been given
- b. When using a generator it is essential that adequate protection/drip trays are used between the surface and the generator in order to avoid any spilled fuel/leaking oil spoiling the surface

### **Health & Safety**

- a. It is the responsibility of the Production (or Parent) Company to ensure that all employees are in compliance with current Health & Safety legislation and regulations (see Health & Safety at Work Act, 1974 and the Management of Health & Safety at Work Regulations 1992). See appendix 4 for further information
- b. It is a criminal offence to breach Health & Safety Law and Regulations, failure to do so may invalidate your Production Company insurances and result in prosecution
- c. There are many types of Risk Assessment required to be produced by a competent and qualified person on behalf of your production company for all activity relating to filming. Some examples of such Risk Assessments you may need include, (not exhaustive to); Security risks, generic filming activity, stunts, flammable or toxic materials, temporary and permanent construction work, working at heights, the use of cranes and cherry pickers, vehicle related filming, static and temporary production office space and unit bases
- d. BCC via FB require risk assessments to be provided in advance and in good time of all filming taking place to ensure necessary qualified representatives have reviewed all relevant activities highlighted and given feedback where necessary, failure to provide this information in advance will result in your film permit being refused.

### **High Visibility Clothing**

- a. Crew members, production personnel and 3rd party sub-contractors are required when working on the public highway to wear necessary PPE clothing to European Standard EN471 Class 2 minimum. This is an essential safety requirement under the New Roads and Street Works Act 1991 and Health & Safety at Work Act, 1974 (and all related Regulations and Codes of Practice)
- b. Failure to wear appropriate PPE clothing and adhering to the legislation may invalidate your production company insurance and result in your Film Permit being withdrawn.





### **Highways & Traffic Management**

- a. To be discussed in full with BCC via FB at the earliest opportunity
- b. Notice periods will vary depending on which order is deemed appropriate by BCC for any form of Highway control (from Stop/Go to full road closures). The time taken to process a Traffic Order ranges from 6 to 2 weeks depending on the nature of the control, and the impact of the order to the area. Therefore notice and approval needs to be obtained in advance of and within stated time frame above
- c. Charges and/or fees for processing various orders are on a per application basis (not per road control basis) and range from £530.00 to £2600.00 and are inclusive of a £250.00 administration charge by BCC. The decision on type and number of orders needed to facilitate such request will be made by the approving authority and not the Production Company

### **Historic Buildings & Conservation Areas**

Special attention and care must be taken when a production is planning to use any historic buildings, world and other heritage sites or conservation areas. Access by the general public may be a requirement by law

- a. Filming in Areas of Outstanding Natural Beauty (AONB and Sites of Special Scientific Interest (SSSI) will have restricted use and will require assessment
- b. Details of the filming requirements must be discussed and put in writing in advance by the Production Company
- c. Extra insurance may be required
- d. A specific licence will be required

### **Indemnity & Insurance**

- a. The Production Company must indemnify BCC, its officers, servants and agents against all liabilities, actions, claims, costs, damages, demands, expenses and penalties brought by any person or persons for any property damage, personal injury, sickness, illness or death arising out of the Production Companies use of requested locations, land, public highway, pavements, footpaths, buildings or facilities other than that attributable to the negligence of the BCC its officers servants and agents. For the avoidance of doubt, liability for death or personal injury as a result of the Production Companies negligence is not limited to the requested amount of Public Liability Insurance cover
- b. All production companies must carry Public Liability Insurance with a minimum limit of indemnity to the sum of five million pounds (£5,000,000) in respect of any one accident or series of accidents

arising out of your filming activities. No requests will be considered where the Public Liability Insurance is less than £1 million

c. For very small production with minimal impact, it may be possible for a lower level of cover to be discussed and considered in advance of filming taking place, with FB. Large productions with complex filming sequences may require a higher level of cover relevant to the scale of the filming operation and activity

d. No film permit will be processed, without prior documented proof of adequate Public Liability Insurance with evidence that the insurance cover certificate is valid. Copies of such certificates and where required indemnities should always be provided to FB in advance of filming and should be made available, on demand, to anyone affected by the location filming activities of the Production Company

Please note that all paperwork must be supplied in English

### **Lighting**

a. When placing lighting stands on the carriageway or footway, BCC via FB, must be informed and clearance given in advance

b. Lighting or other equipment should not cause a hazard to the general public (please refer to the section Cabling for guidance on safe cabling of such items)

c. No danger or annoyance should be caused by the dazzle of lights

d. The following considerations should be taken to prevent any risk to the public or Production Company employees:

- lights above ground level and lighting stands are properly secured
- lighting stands placed on a footway are attended at all times or are weighted and secured
- lights do not dazzle ANY motorists
- lights are not shone directly towards residential or business properties at any time without specific permission
- that blackouts are available so as to protect the public from light pollution when required

### **Night Filming**

a. Filming on the public highway will normally be limited to no later than 23:00hrs in residential and commercial areas. Any filming beyond this time will require special arrangements and must have the full agreement of BCC, West Midlands Police, local residents and businesses in the immediate and surrounding vicinity. Adequate time must be allowed for consultation.

b. BCC has the right to take action under the Environmental Protection Act (1990) as a result of any unreasonable noise and nuisance caused by filming.

For detailed guidance for filming outside of social hours (22:00hrs and 08:00hrs) please see Appendix 2 at the end of this Code of Practice

### **Noise & Nuisance**

a. Noise must be kept to a minimum when setting up early in the morning. Generators should not be switched on in any residential area until after 0800 hours unless they are considered silent running

b. BCC has the right to take action under the Environmental Protection Act (1990) as a result of any unreasonable noise and nuisance caused by filming

### **Parking**

a. Location Managers should discuss all parking requests with BCC via FB in advance of filming

b. Where filming requires the suspension and/or dispensation of parking on the street or vehicles are directly needed for filming in such areas with parking restrictions, a method of operating will need to be agreed and approved with BCC Parking Services department via FB

c. Suspended bays are for the use of 'Technical vehicles' only. See 'Technical Vehicles' section.

c. All vehicles need to comply with any special parking arrangements agreed or in accordance with any parking restrictions enforce in the area

d. Please see 'Apply to Film' section of this Code of Practice for the link to our Film Permit application which outlines parking information and fees.

### **Planning Permission**

Please seek advise from FB.

### **Police & Emergency Services**

a. All Emergency Services

Emergency Services will always be notified of all filming activity and access for emergency vehicles must be maintained at all times during location filming. If passage is likely to be blocked, due to props and equipment causing an obstruction, permission must be sought in advance from FB, who will advise West Midlands Police which could result in the need for an official road closure (notice of 2 - 6 weeks must be given to process requests for road closures).

Where relevant the Emergency Services will be duly advised of:



1. Any likely disruption to traffic due to road closures during filming (All Services)
2. The citing of production vehicles and/or external sets, which must not cause any obstruction(s) in relation to Fire Escape routes (in case of fire from buildings) and/or the location of fire hydrants on the highway (All Services)
3. Staging of crimes, accidents or use of firearms, explosions and other special effects (West Midlands Police)
4. Dressing of artists in police uniform (it is an offence to impersonate a police officer and cast should be asked to cover such uniforms wherever possible, in particular in between takes) (West Midlands Police)
5. Use of any vehicle resembling a police vehicle. Vehicle livery should be covered when not in use for filming or when being driven along the carriageway. Sirens should not be used at any time on location and flashing lights must be switched off when not in shot (West Midlands Police)
6. Temporary halting of traffic during filming takes (no person, other than a police officer, has the authority to halt or divert traffic on a public highway). A traffic order may be required which requires a notice period of at least 2 weeks (West Midlands Police)
7. Use of fire hydrants, special effects, fires or explosions (West Midlands Fire Brigade)
8. The impersonation of fire officers or use of pseudo fire tenders (West Midlands Fire Brigade)
9. The impersonation of ambulance staff or use of pseudo ambulances (Ambulance Services)
10. The impersonation of police officers or use of pseudo police vehicles of any description and/or Authority (West Midlands Police or other relevant Police Authority)
11. Where occupied premises are used as a film location, all fire precautions must be complied with unless previously agreed by West Midlands Fire Brigade (West Midlands Fire Brigade)
12. Any proposed filming activities on canals or rivers must seek the permission of the relevant agencies (Canal & River Trust)

b. West Midlands Police Assistance

Where West Midlands Police manpower is considered necessary for purposes such as facilitating road closure/traffic halting requests, crowd control and traffic supervision, a fee will be charged by the Police to the Production Company. For further information on fees please contact FB staff on: 0121 675 3883

## **Publicity**

The Production (or in some instances the Distributor or Broadcaster) shall provide FB with publicity material ahead of and in anticipation of its general release, by way of marketing the services of the Film Birmingham wherever possible.

## **Rates**

a. Business Rates - BCC does not have the authority to waive Business Rates on its, or privately owned property, which is rented and occupied by Production Companies, whether on a short-term lease (less than 12 weeks) or longer. However, if the production company is of the opinion that the rateable value is excessive, then it can apply to the Valuation Office to have the rateable value reviewed. An example might be if the property is in an exceptionally poor state of repair. NB: The Valuation Office is independent from BCC

b. Residential Rates - BCC can offer a discount on council tax of a 2nd dwelling, if any member of your crew is staying locally in rented accommodation, please visit [www.Birmingham.gov.uk](http://www.Birmingham.gov.uk) for further information

## **Residents & Businesses**

a. The key to successful filming in residential & commercial areas are effective consultation and planning with those people that will be directly affected by the activity

b. BCC has devised a protocol in conjunction with residents and business associations when filming in residential and commercial areas, to help aid consultation and planning with those that will be affected by the filming. Please read 'Consultation' section.

c. Any Production Companies that do not act responsibly may be declined a Film Permit in the future

d. Depending on the nature of filming and/or location, BCC may require a deposit to ensure and safeguard against noise and nuisance, reinstatement works, cleansing, damage or staff costs to supervise or assist any other unforeseen outcome when filming takes place in residential and business areas

## **Road Markings**

a. The temporary painting-out or disguising of road markings, yellow lines or other road signs requires the specific approval of BCC and notification of the Police

b. The Production agrees to fully reinstate any alterations to road markings to the satisfaction of the appropriate BCC department and when obliged to use official contactors agree to pay the necessary cost

### **Rubbish & Waste Removal**

It is the Producer's responsibility to ensure that all litter is removed before the end of filming each day. Any waste produced by the production must be removed from the site, transported and disposed of in accordance with the Environmental Protection Act 1990

### **Scaffolding/Lighting Towers**

a. The construction and positioning of lighting towers and scaffolding must be discussed with FB at least 7 days in advance of the shoot. Any scaffolding constructed must be certified by AMEY (providing services for BCC). Charges are applicable depending on the nature and duration of the scaffold/tower that is to be used/erected. Any damage resulting from the positioning of the scaffolding will be repaired at a cost to the Production Company concerned. License costs for the erection of scaffolding/lighting towers etc. can be obtained from FB. A scaffold license would require completing and returning to BCC via FB, with payment being made to FB.

b. Any scaffolding constructed must be provided by a certified supplier

c. Any generator used should comply with the specific requirements of the Environmental Protection Act (1990), and be positioned as far away as reasonably practicable from all residential and business properties, unless prior permission has been given

d. When placing lighting stands on the carriageway or footway, BCC must be informed and clearance given

### **Security**

a. The Production must use SIA licensed Security for all licensable activity at all times: [www.the-sia.org.uk](http://www.the-sia.org.uk). Licensable activity includes, but is not limited to: manned guarding (guarding premises against unauthorised access; guarding property against destruction or damage and theft), and guarding cash or valuables in transit

b. It is the Production Company's responsibility to ensure all staff representing them (in house or 3rd party contractors) where required have their SIA licence fully viewable at all times. Failure to do so may result in personnel being in breach of the SIA licence terms and maybe at risk of the licence being revoked

c. A Door Supervisor license is required if manned guarding activities are undertaken in relation to licensed premises that are open to the public (i.e. a public house, restaurant or bar)

d. The Production may be asked to work alongside on-site Security officers. Such onsite Security are not employees of the Production

e. It may be required for a Risk Assessment of security to be provided by the Production Company to FB (on behalf of BCC) where necessary at requested locations. See Health & Safety section for further information

### **Set Construction & Temporary Structures**

a. For avoidance of doubt it is the Production Companies responsibility that all temporary structures (both on the highway and within a building/temporary studio) constructed/designed by the Production Company must comply to The Construction (Design and Management) Regulations 2015

b. Planning permission may be required for some temporary structures such as (not exclusive to):

- The building of a temporary set which will be up for more than 21 days from construction to strike
- The prolonged use of a building as a set/temporary studio (such as Change of Use permission)

NB. Planning permission when required can be obtained from the relevant local authority where the set/ temporary structure is erected or an existing property requires change of use

### **Signage**

All unit signs must be removed one week after filming has completed. A fee of £50 plus VAT per each individual Unit Sign will be charged for its removal, by the Council and an invoice produced and issued to the offending production company.

### **Street Signs / Street Furniture / Street Lighting**

a. The removal of street furniture, including street signs, pay & display machines and the adjustment of street lighting is subject to the agreement in advance by the relevant BCC department via FB

b. All agreed work shall normally be carried out by AMEY and charged to the Production. The Production will be notified in advance of all associated costs, including those of re-instatement, and must agree to cover these costs

### **Stunts, Special Effects & Pyrotechnics**

a. All stunts, special effects (including weather effects and wet downs) and pyrotechnics must be under the direct control of a qualified stunt co-coordinator or special effects operative and must comply with the Environmental Protection Act (1990)

b. If the Regulatory Reform (Fire Safety) Order 2005 applies to the activity a suitable and sufficient Fire Risk Assessment must be carried out. If there are five or more employees the significant findings



of the assessment should be recorded. The Fire Risk Assessment should be made available for inspection by the local Fire Authority

c. Any plans must be discussed with BCC via FB in advance of filming. The Production Company is strongly advised to follow the advice of BCC representatives concerning the feasibility of stunts

### **Technical Vehicles**

Definition: A vehicle which is so essential to the activity, that it must be parked immediately adjacent to where the activity is taking place. Examples would include the following:

- Vehicles which contain equipment that must be connected by cables to other equipment being used to perform the activity.
- Vehicles which contain essential equipment that must be regularly accessed in connection with the activity, but which cannot be unloaded and stored at the premises where the activity is taking place.

Any other vehicles associated with the activity can wait in the suspended parking area only for so long as it takes to set down or pick up passengers or to load or unload.

**Under no circumstance will a passenger vehicle of any size be considered to be a "Technical Vehicle"**

### **Traffic Management**

- a. See Highways for further information filming on the highway
- b. All traffic management on the highways is managed by 3rd party qualified contractors

### **Wet Downs**

The use of rain/snow machines or the wetting down of footways or carriageways shall only be carried out with the full the approval of BCC via FB and West Midlands Police after a proper evaluation of the forthcoming weather conditions and with the proper signage as required. Please note their use would not be acceptable during the winter and even during summer months when the temperature drops to 4c or below.



## Quick Reference Guide to Notification Requirements

Please note: all notification periods are provided as guidance and may alter depending upon the nature of the production Activity.

### Minimum Notification Period Prior to Requirement

Alterations or excavations within the highway	7 days
Camera track or equipment on highway	7 days
Child performers	28 days
Equipment on the road	7 days
Extensive road closure	8 weeks
Large scale production requests	4 weeks
Lighting towers/scaffolding license	7 days
Location contracts	7 days
Parking in pedestrian zone exemption	3 working days
Police officer hire	7 working days (rate of hire increases if less notice)
Residents & Businesses letter drop	14 days
Road closure with LMP	21 days following Joint Agency Meeting
Short traffic hold with LMP (5-10mins)	14 days following Joint Agency Meeting
Small scale production requests	3 working days
Stunts/Special Effects/Pyrotechnics	7 days
Traffic management diversion & signage schedule (if road closure agreed)	14 days
Yellow line dispensation	2 working days