



# 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 3 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	4 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	4 working days
Stunts/Special Effects/Pyrotechnics	7 days
Traffic management diversion & signage schedule (if road closure agreed)	14 days
Yellow line dispensation	4 working days



## Appendix No.1

### Guidance Notes for the use of Small Unmanned Aircraft (Drones)

The use of SUAs (Small Unmanned Aircraft, may also be referred to Unmanned Aerial Vehicles), drones, octocopters as well as by other names are becoming more and more popular with filmmakers as they offer great flexibility.

Filming with SUAs in large open air areas where there are few people is relatively straightforward. However, filming in congested areas such as City Centres is more complex, there are multiple stakeholders and authorities and presents greater risk.

This document sets out a non-exhaustive explanation of matters to consider and procedural steps required in order to use SUAs

#### Obtaining Permissions

There are 2 basic permissions needed to film with a SUA these are;

1. **Permission to fly from the Civil Aviation Authority (CAA)**
2. **Permission to from owner, manager or authority for the land in which the SUA will be taking off and landing**

#### 1. **Civil Aviation Authority (CAA) Permission**

The Air Navigation Order 2009 is the principal piece of legislation governing aircraft, including SUAs, in the UK with articles 166 and 167 being the main points covering use SUAs for filming. This states that an SUA operator must request "Permission" from the CAA if it plans to:

- fly the aircraft on a commercial basis (i.e. conducting "Aerial Work"); or
- fly a camera/surveillance fitted aircraft within Congested Areas or closer than the distances listed within Article 167 to people or properties (vehicles, vessels or structures) that are not under its control.

The Air Navigation Order states the circumstances in which a camera/surveillance fitted SUA cannot be operated without an additional permission from the CAA;

- **Over or within 50 metres of any person, vessel, vehicle or structure** which is not under the control of the aircraft operator.

- **Over or within 150 metres of any Congested Area** (this is defined as a City, Town or settlement that is substantially used for residential, industrial, commercial or recreational purposes).
- **Over or within 150 metres of an organised open-air assembly of more than 1,000 persons.**

If the complete mass (including camera) of your SUA is less than 7kg a CAA permission will normally include an approval to operate within 150m of a congested area, however the requirement to remain 50m clear of third parties (persons, vehicles, vessels or structures not under the control of the operator) still applies.

A reduced separation distance of 30m from uninvolved persons is permitted during take-off and landing, but note that this reduction was originally intended for specific circumstances, such as model aircraft flight lines.

Remember, however, that it is the responsibility of the person in charge of the aircraft to maintain these distances.

Some operators have been granted permission by the CAA to fly larger sized aircraft within congested areas, these operators have been subjected to additional scrutiny by the CAA and the revised details will be indicated in the operators Permission.

In all cases the SUA should not be flown over people, vessels or vehicles that are not under the control of the SUA operator or the production.

Application to the CAA can be made at [www.caa.co.uk/SRG1320](http://www.caa.co.uk/SRG1320)

Guidance can be found on this can be found at [www.caa.co.uk/CAP722](http://www.caa.co.uk/CAP722)

For further information you can contact the CAA via [UAVenquiries@caa.co.uk](mailto:UAVenquiries@caa.co.uk)

## 2. Land Owner/Authorities Permission

The CAA will look at your flight operations however permission to take off and land and assessment of your Flight Impact Zone is likely to come from the owner, manager and/or authorities over the area the SUA is operating. This is likely to come from the appropriate Film Office and must demonstrate how this area will be controlled

To make this assessment the responsible party (the individual or legal entity assume ultimate responsibility for all aspects of the SUA activities – most commonly the Production Company) must submit an application form to film using the SUA which will include the following;

Drone Filming Application Form

- A valid Permission issued to the operator by the CAA. Operational Safety Case (OSC) (where applicable): as may be issued by the Civil Aviation Authority to the UAS Operator.
- A Flight Impact Zone (FIZ) Map: a planning map, highlighting the flight area and appropriate control points for the applicable areas where the SUAs will be flown, this should also include any Contingency flight area - any area the SUA may need to go should there be a reason to abandon the flight.
- RAMS: Risk Assessment and Method Statement of the whole production, which must be specific to the operation in question and include
- Responsible Parties Public Liability Insurance (minimum £5million however depending on location and activity may need to be £10million)

Depending on the assessment of the above further documentation is likely, these commonly include

- A Traffic Order or Traffic Notice as well as A Traffic Management Plan: required if the FIZ is close to or includes a highway.
- Stewarding Plan: description and maps of what control measures will be in place and where stewards will be located whilst the UAS in use.
- Evidence of Consultation: reasonable evidence to show an agreement has been secured with all individuals to be impacted by the use of the UAS.

All uses of SUAs are treated on a case by case basis as such further documentation may be required. Because of this notice periods can vary dramatically however for guidance a minimum notice period for use of SUAs perceived to have no impact should 5 working days (1 week) and for those that are likely to involve road closures 6 to 8 weeks.

It is also best practice to notify the relevant Film Office if the SUA is to be used on private land, even if it will not be overflying the highway or council owned property. Should SUA activity overfly, or be used within 50m of any thoroughfares, in addition to making a filming application further documentation and permissions are likely be required.

### **Privacy and Copyright**

The Information Commissioner's Office (ICO) has issued guidelines relating to the Data Protection Act regarding the use of SUVs for filming purposes – highlighting the privacy risk their use pose.

For more information please visit <https://ico.org.uk/for-the-public/drones>

## Appendix No. 2

### Filming at Night (unsociable hours)

To create a positive filming environment in residential & commercial areas requires effective consultation and planning with all those people that will be directly affected by the activity.

Whilst there are no set restrictions on filming, we recommend that you take note of the following guidelines for filming in residential areas at night/unsociable hours:

- A permit application should be made to Film Birmingham detailing the scenes/action to be shot along with the requested filming equipment to be present on site.
- There is an 11pm (2300hrs) curfew for filming. If this needs to be extended then each request is judged on its individual merit and based on resident consultation & agreement.
- There will be a letter drop to residents in the area confirming the requested filming to take place (copy to be sent to Film Birmingham for circulation to BCC, WMP and other key stakeholders) which provides a contact on the production for residents who wish to obtain more information.
- Where generators are used they should be silenced.
- Lighting systems used shall be set up so that light is not obtrusive into residential properties, there should not be any light glare from lighting into residential properties, especially bedrooms and procedures shall be put into place to minimise light spill from the filming.
- Radio communication between crew should be carried out via earpiece equipment
- Crew should be reminded to respect the local community and where possible staff amenities and meeting places shall be sited away from residential properties. The moving of technical vehicles should also be done in a respectful manner and depending on the requested wrap time from the production some technical vehicles may be asked to remain on site until the following morning (7am/0700hrs).

If complaints were received, an assessment of nuisance would take into account the level of noise, its length and timing, the location and source. The Council has a legal duty under the Environmental Protection Act 1990 to serve an Abatement Notice if a nuisance is found to exist, or if one is likely to occur or recur. It is important to note that night time hours (Mon – Fri) are considered between 23:00hrs and 08:00hrs, and that any disturbing noise outside of these times would likely be considered a nuisance, and could result in enforcement action being taken.

## Appendix No.3

# COVID-19 Guidance for Location Filming

## Production Action List

Version 2.0 - July 2020

### Introduction

This Action List has been created with assistance of Film Officers UK, Creative England, Film London and the London Filming Partnership's COVID-19 Working Party. It temporarily annexes the **Filming in Birmingham Code of Practice** which applies until further notice to all forms of production (including feature films, television, commercials, drama documentaries, music videos, idents, stills shoots, student and short film crews) shot on location in public places in the Birmingham & West Midlands Region (BWMR) which are likely to, or have the potential to, cause disruption to normal activity

No Action within this list supersedes any other part of the Code of Practice.

Productions are still encouraged to adopt sustainable / green filming practice wherever possible.

### Purpose of this Action List

The primary purpose of the Actions listed are to ensure that BWMR location filming complies with Government COVID-19 safety guidance and that filming activity does not increase the risk of spreading COVID-19 in the public domain.

As with the remainder of the Code of Practice, complying with this Action List does not constitute permission to film.

This Action List is dynamic in that it will be amended as and when changes in government guidance are published until such a time when the Action List is deemed superfluous and will therefore be removed from the *Code of Practice*.

### This Action List supports and compliments:

- ✓ [All UK Government guidance with regards to Working Safely During Coronavirus COVID-19](#)
- ✓ [The BFC 'Working Safely During COVID-19 in Film and High-end TV Drama Production'](#)
- ✓ [The UK Broadcasters TV Production COVID-19 Guidance](#)
- ✓ [The APA COVID-19 Guidelines](#)

This document assumes that cast and crew of productions are already utilising the Guides referenced above before scouting the location. The industry guides above recommend the services of a COVID-19 Health and Safety Officer / Supervisor during pre-production and planning stages of a shoot. The Actions listed below assume that this recommendation has been followed. Film



Birmingham will ask which COVID-19 guidance the production is following and ask who the lead COVID-19 contact will be on location on the day of the shoot and what training they have received.

### **Definitions**

*Location Authority* – The owner or managing agent / organisation of the location, including location contact for the location for the Local Authority within BWMR, Highways Authority, Traffic Authority and local Police.

*Working Area(s)* – The physically defined space(s) in which crews remain whilst working. The size and shape of which is agreed in advance with the Location Authority.

### **1. All Productions Filming in Public Spaces:**

1.1. Sufficient planning time will be scheduled to allow for additional COVID-19 measures needed on Location and the additional liaison required between the Film Birmingham, the Location Authority accordingly and Production.

1.2. Risk Assessments and Method Statements must include full assessment of COVID-19 specific risks associated with the production's proposed activity at each location and be presented to the relevant Location Authority during the early stages of application.

1.3. When on location, all cast, crew and third party contractors related to the shoot must be aware of their own responsibilities regarding the implementation of the Risk Assessment.

1.4. The avoidance of any last minute changes to the shoot that cause an alteration of the risks associated with the agreed Risk Assessment and Method Statement.

1.5. Cast and crew to be over 2 metres away from other people (public, residents, businesses etc).

### [Working safely during coronavirus – Government guidance](#)

1.6. Rigorous cast, crew and equipment sanitisation protocols including cleaning, handwashing and hygiene procedures will be implemented. The positioning of sanitisation facilities on location will be discussed with Film Birmingham during the planning of the shoot.

1.7. Reducing numbers of people in groups reduces the risk of spread of COVID-19. Therefore, numbers of cast and crew present on any location must be kept to an absolute minimum at all times.

1.8. The avoidance of causing public to either gather to view the shoot or to crowd together in order to pass one and other.

1.9. Display signage to highlight COVID-19 safety precautions and the request for public to keep 2 metres away (wording to be agreed with Film Birmingham and Location Authority).

### **2. Filming On Street (Non Road Closure / 5+ Crew / Equipment on Highway)**

2.1. All Actions in Section 1 above will be implemented.

2.2. All crew to remain within an agreed, physically defined Working Area(s) making sure to adhere to the current government guidelines on social distancing, including the use of barriers (type to be agreed with the Location Authority).

2.3. Free flowing public thoroughfare of over 2 metres must be maintained. Additional barriers or appropriate removable markings can be used to indicate 2 metres distance from the Working Area to the public. All barriers and marking must be promptly removed on completion of filming

2.4. No piece of kit or equipment from any department will be positioned outside the Working Area, including sanitisation and refuse facilities.

2.5. No cast or crew will linger outside the Working Area.

2.6. All cast including Supporting Artists to remain within the Working Area between takes.

2.7. Cast positioning must not reduce public thoroughfare.

2.8. Where applicable, a safe method of access and egress for residents / businesses must be maintained.

2.9. Please be aware on occasion a pavement closure may be necessary in order for work to take place safely. The production should allow time and budget for this to be assessed.

### **3. Filming On Street (with Road Closure)**

3.1. All Actions in Section 1 above will be implemented.

3.2. Define the Working Area as the closed road which may include both highway and pathway as agreed with Film Birmingham.

3.3. Where applicable, a safe method of access and egress for residents / businesses must be maintained.

3.4. All crew to remain within an agreed, physically defined Working Area(s) (including the use of barriers where necessary).

3.5. No piece of kit from any department will be positioned outside the Working Area, including sanitisation and refuse facilities.

3.6. No cast, crew or contractor will linger outside the Working Area.

3.7. All cast including Supporting Artists to remain within the Working Area between takes.

### **4. Parking on Street:**

4.1. All Actions in Section 1 above will be implemented.

4.2. All parking must be approved by the Location Authority

4.3. No piece of kit or apparatus from any department is permitted to sit on pathways unless this is the defined working area and closed from the public. All kit must remain within vehicles (including tailgate) or within the location Working Area or travelling between the two.

#### **5. Filming in Parks and Open Spaces:**

5.1. All Actions in Section 1 above will be implemented.

5.2. All crew, cast and contractors of Productions to expect that facilitating public exercise will take priority over filming, creating more restrictions than normal.

5.3. All crew to remain within an agreed, physically defined Working Area(s) (including the use of barriers).

5.4. Additional separate Working Areas for non-essential crew and / or SA's to be agreed with the Location Authority and physically defined accordingly. Multiple Working Areas to be monitored to avoid exceeding maximum capacity of each.

5.5. Free flowing public thoroughfare of over 2 metres must be maintained. Additional barriers or appropriate removable markings can be used to indicate 2 metres distance from the Working Area to the public. Where this is not possible (i.e. narrow paths) this will need to be assessed and if approved additional route signage provided for public to use.

5.6. No piece of kit from any department will be positioned outside the Working Area(s), including sanitisation and refuse facilities.

5.7. No cast, crew or contractors will linger outside the Working Area(s).

5.8. All cast including Supporting Artists to remain within the Working Area between takes.

5.9. Cast positioning must not reduce public thoroughfare.

#### **6. Filming in Enclosed / Interior Public Locations:**

6.1. All Actions in Section 1 above will be implemented.

6.2. Ensure that filming activity complies with the premises' own COVID-19 Risk Assessment.

6.3. Select locations that provide wholly or at least partly-exclusive access to the production and locations that provide more space than would normally be required for filming.

6.4. Comply with the Location's cleaning regime providing additional COVID-19 cleans before prep and after strike plus any other cleaning deemed necessary according to the Guidelines (listed above).



6.5. All crew to remain within an agreed, physically defined Working Area(s) (including the use of barriers if other areas remain open to the public or other users). Consider using one-way systems for access and egress.

6.6. Additional separate Working Areas for non-essential crew and / or SA's to be agreed with the Location Authority and physically defined accordingly. Multiple Working Areas to be monitored to avoid exceeding maximum capacity of each.

6.7. Free flowing public thoroughfare of over 2 metres must be maintained. Additional barriers or appropriate removable markings can be used to indicate 2 metres distance from the Working Area to the public.

6.8. No piece of kit from any department will be positioned outside the Working Area(s), including sanitisation and refuse facilities.

6.9. No cast, crew or contractors will linger outside the Working Area(s).

6.10. All cast including Supporting Artists to remain within the Working Area between takes.

6.11. Cast positioning must not reduce public thoroughfare.

#### **7. Unit Bases in Public Spaces:**

7.1. All Actions in Section 1 above will be implemented.

7.2. Unit Base area to be physically defined, cordoned off and monitored by security in order to prevent access by public (including connections to services such as water / electricity).

7.3. No piece of kit from any department will be positioned outside the Unit Base area including sanitisation and refuse facilities.

7.4. No cast, crew or contractors will linger outside the Unit Base area.

7.5. Catering provision to follow government and other industry guidance, listed above.

**For further help, please contact the Film Birmingham [info@filmbirmingham.co.uk](mailto:info@filmbirmingham.co.uk) or +44 (0)121 464 9305**