

Filming Guidelines & Legislation

Definitions

'**Production**' refers to a Producer, Location Manager, Production Company or Production Manager or any authorised officer or employee of such a company or its agents.

'**Highways Authority**' defines the body responsible for managing and maintaining all aspects of the highway.

'**Film Contact**' denotes the person appointed by the any given organisation, agency, private company, charity, the Kent Film Office or local authority to manage the filming on their behalf.

Item	Useful links and/or Legislative References
<p><u>Animals</u></p> <p>The Production agrees to follow the Health and Safety Executive guidance sheets on working with animals including dangerous animals. Guidelines for the use of animals in the audio visual industry may also be found at http://performinganimals.rspca.org.uk/home</p>	<p>Management of Health and Safety at Work Regulations 1999 Animal Welfare Act 2006 The Protection of Animals Act 1911 to 1964 The Performing Animals (Regulation) Act 1925 The Pet Animals Act 1951 The Dangerous Wild Animals Act 1976 The Wildlife & Countryside Act 1981 HSE Entertainment sheet no 4: Working with Animals in Entertainment HSE Approved Code of Practice [Zoos]</p>
<p><u>Cabling</u></p> <p>The Production shall agree in advance with the Film Contact regarding the appropriate use of cables, the safe laying of agreed cabling and the suitability of attaching cables to street furniture, trees, historic properties and any other relevant items.</p> <p>All cables used for any purpose in the course of filming must be made safe as they are laid and not at some later time.</p> <p>Cables should not be laid in the gutter along roads or in the junction between a wall and the footway.</p> <p>Cables on steps should be taped down to avoid the risk of tripping.</p> <p>Wherever possible cables should be flown at a minimum of 17' (5.2m) above roadways and 8'6" (2.6m) above footways.</p> <p>Cables across footways should be laid at right angles under a taped mat. The matting should be:</p> <ol style="list-style-type: none"> i. a minimum of one metre wide; and ii. visible to the public by proper lighting, cones or high visibility hazard tape. <p>Cables across roadways should be covered using proper cabling ramps unless otherwise</p>	<p>Health and Safety at Work Act HSE publication Slips and Trips: Guidance for Employers on Identifying Hazards and Controlling Risks Management of Health and Safety at Work Regulations 1999 Electricity at Work Regulations 1989 SE Guidance note 155 [Preventing Slips and Trips at Work]</p>

<p>agreed <i>in advance</i>. No attachments may be made to any street furniture without the prior written consent of the Film Contact.</p>	
<p><u>Camera Track</u> All matters relating to tracking shall be discussed and agreed with the Film Contact in advance of filming. Any obstructions or alternative footways planned must be cleared by the Film Contact. Tracking boards may be required in certain circumstances.</p>	
<p><u>Catering & Removal of Litter</u> Catering arrangements and the positioning of catering vehicles shall be agreed in advance with the Production and Film Contact. The Production shall ensure that no dirty water or food waste be deposited in rainwater gullies and that caterers use a dirty water bowser where possible. Wherever possible the Production shall make use of environmentally friendly materials. Wherever possible catering is to be sourced from local businesses. It is the responsibility of the Production to ensure that all litter is removed before the end of filming each day.</p>	<p>Management of Health and Safety Regulations 1999 HSE Catering Information Sheets</p>
<p><u>Charges</u> All charges will be agreed, and an agreement signed, in advance of filming. Please note that any work undertaken without signed agreement may incur extra charges. The following services may incur additional charges at cost:</p> <ol style="list-style-type: none"> a. provision vehicles to wet down the street; b. refuse collection; c. removal of street furniture; d. suspension of parking meters and any other parking provisions; and e. any damage caused by a production company to the carriageway, footway street furniture 	
<p><u>Child Performers</u> The Production must make adequate provision for the health & welfare needs of any children employed when filming. A child is considered to be any young person under 18 still subject to full time education. Any filming involving the employment of children (whether paid or unpaid) must be specifically agreed in advance of filming through the local authority's Education Welfare service, contacts of which plus application forms can be found on the Kent County Council Children in Entertainment page For more information please see the National Network for Children in Employment & Entertainment (NNCEE) website: http://www.nncee.org.uk/home</p>	<p>Children and Young Persons Act 1963 Children and Young Persons Act 1969 Children (Performances) Amendment Regulations 2000 Children [Protection at Work] Regulations 1998 Children Act 2004 The Children (Performance and Activities) England Regulations 2014</p>
<p><u>Coning</u> The Production acknowledges that cones have no legal force to secure parking and their use shall be agreed in advance with the highways authority, the District Council responsible for parking enforcement and/or the police.</p>	
<p><u>Consultation</u></p>	

<p>Successful filming relies upon the local residents and business receiving adequate notice where appropriate. Letters should be sent to local residents and businesses outlining fully the intended filming and include:</p> <ol style="list-style-type: none"> a. Date of letter; b. Date, time and exact location of filming; c. The Production and local authority contact numbers; d. Number of crew or production personnel expected on location; e. Clear details of any stunts, play-back or dressing planned; f. Clear details of lighting plans; g. Clear details of parking proposal 	
<p>Council Property Whenever filming on Council-owned property e.g. in parks, schools, town halls etc, the Production shall negotiate a license with the Kent Film Office.</p>	
<p>Cranes / Camera Cranes and Aerial Platforms</p>	
<p>In advance of the shoot, the Production shall discuss and agree with the Film Contact and any other relevant authorities, the specific weight and positioning of cranes/camera cranes and the need to maintain access. Cranes require a licence from the relevant Local Authority. Rigging and de-rigging shall be undertaken with respect for local residents and in accordance with the statutory obligations governing noise levels. Use of cherry-pickers or cranes must be agreed in advance of filming. The exact position of such equipment will be agreed and the Production will ensure that the position is maintained. Access for emergency vehicles must be maintained at all times. At night, or at times of poor visibility, warning lights must be placed around any cranes or cherry-pickers <i>whether parked on a roadway or not.</i></p>	<p>HSE Simple Guide to the Lifting Operations and Lifting Equipment Regulations 1998 HSE Entertainment Information Sheet No. 6: Working at Heights in the Broadcasting and Entertainment Industries Approved Code of Practice and Guidance L113 HSE Books 1998 Lifting Equipment and Lifting Regulations 1998 The Provision and Use of Work Equipment Regulations 1998 The Supply of Machinery [Safety] (Amendment) Regulations 1994</p>
<p>District Council Please be sure to liaise with the Film contact of the relevant District Council. They can help with any consent required and it is important that in any event they are aware of the filming being undertaken.</p>	
<p>Drones/Aerial Filming</p>	
<p>Filming with drones requires valid Permission issued by the Civil Aviation Authority. Additionally, permissions must be gained from the land owner of takeoff and landing locations. For further information visit the Civil Aviation Authority website: http://www.caa.co.uk/default.aspx?catid=1995 Please visit our Drones webpage for further information: http://kentfilmoffice.co.uk/filming-in-kent-2/drones/ Film London also has a useful Aerial Filming with Unmanned Aerial Vehicles document.</p>	<p>The Air Navigation Order 2016</p>
<p>Firearms</p>	
<p>No firearms of any kind, including prop or replica firearms, shall be used without agreement in advance between the Production and the police and/or appropriate emergency service and the Film Contact, this includes when filming exteriors and/or interiors on public and private property. An armourer must be present during film shoots involving firearms. If firearms are used in a scene, whether these are dummies or not, an armourer shall be on site</p>	<p>Firearms Act 1968 Criminal Justice Act 1988 Public Order Act 1986 Violent Crime Reduction Act 2006 HSE Information sheet – Management of Firearms and</p>

<p>at all times. Each weapon shall be signed out to the individual who will use it in the scene: each individual shall be personally responsible for the weapon until it is signed back in to the armourer at the end of the shoot.</p>	<p>Other Weapons in Production</p>
<p><u>First Aid</u> By law, the production is responsible for providing suitable first-aid equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill during filming.</p> <ul style="list-style-type: none"> • Production companies must ensure first aid needs risk assessments are carried out for all premises and productions • Based on the first aid needs risk assessment, adequate numbers of people trained as EFAW and FAW first aiders must be employed. • Ensure that all first aiders complete annual refresher training and requalification courses in after 3 years. 	<p>First Aid at Work: Questions and Answers First Aid at Work: The Health and Safety (First Aid) Regulations 1981. Approved Code of Practice and guidance</p>
<p><u>Health and Safety</u> The Production is bound by law to have health and safety assistance. In the event that the Production involves less than five people, the Kent Film Office should be contacted for advice. Failure to follow appropriate Health & Safety procedure may invalidate any insurance.</p>	<p>Health and Safety at Work Act 1974 Management of Health and Safety at Work Regulations 1999 Fire Precautions [Workplace] Regulations 1999 HSE Free Information Line: 0870 154 5500 HSE Publications: 01787 881 165 HSE Website</p>
<p><u>High Visibility Clothing and Personal Protection Equipment</u> The Production shall ensure that the appropriate level of safety clothing is worn for the safety of the crew when filming on the public highway and in the public domain. Also see, Risk Assessment below.</p>	<p>The Personal Protective Equipment at Work Regulations 1992 Personal Protective Equipment Regulations 2002 A Short Guide to the Personal Protective Equipment at Work Regulations 1992</p>
<p><u>Highways/Traffic Management</u> The Production shall liaise with the relevant Film Contact when wishing to use public highways and footpaths. Any traffic management measures put in place must also be agreed by the police. Kent County Council has the powers to close sections of the public highway and public rights of way for the purposes of filming. The legislation allows for varying methods to achieve this, depending on the location requested and the type and extent of the filming proposed. As a first step, please discuss your proposals with the Kent Film Office who will then consult with Kent Highway Services, Kent Countryside Access and Kent Police to decide which option is</p>	<p>Kent County Council (Filming on Highways) Bill Also see, Police/Emergency Services below. The Management of Health and Safety at Work Regulations 1999 Road Traffic Regulation Act 1984 Road Traffic Regulation (Special Events) Act 1994 Highways Act 1980 Road Traffic Act 1988 Traffic Management Act 2004</p>

<p>most suited to your needs. More information can be found on the Kent Film Office Website.</p>	<p>Roads Vehicles Lighting Regulations 1989 Managing Vehicle Safety at the Workplace (leaflet for employers) HSE Information Sheet no 22 [Safe Filming and Recording Involving Vehicles]</p>
<p><u>Highways and Filming from Vehicles</u></p>	
<p>The Production shall discuss and agree with the Film Contact and any other relevant authorities when filming from a moving vehicle on a public road. Please note this section refers to but is not limited to filming using low loaders, tracking vehicles and a-frames.</p>	<p>HSE information sheet Safe filming and recording involving vehicles</p>
<p><u>Historic Buildings and Conservation Area</u></p>	
<p>Special attention and care must be taken when a production is planning to use any historic buildings, heritage sites or conservation areas. Access by the general public may be a requirement by law; The use of lights and any tracking in historic properties must be passed by the custodian and where relevant chemical or a heat analysis must be provided; Props such as smoke effects, candles or any flames may require special permission; Filming in Areas of Outstanding natural Beauty (AONB) and Sites of Special Scientific Interest (SSSI) may have restricted use and will require assessment; Details of the productions requirements must be discussed and agreed in writing with the Film Contact; The Production shall adhere to any conservation regulations laid down by the respective Film Contact.</p>	
<p><u>Indemnity and Insurance</u></p>	
<p>The Production shall obtain and produce a copy of the relevant insurance needed before shooting commences. The Production will be expected to indemnify the local authority, its officers and employees against any claims or proceedings arising directly from any injury to persons or damage to property as a result of the activities of the Production. The need for insurance is governed by statutory obligation. <i>Also see, Public Liability Insurance below.</i></p>	<p>Employers' Liability Act 1969 The Employers' Liability (Compulsory Insurance) Regulations 1998 Employers' Liability [Compulsory Insurance] (Amendment) Regulations 2004</p>
<p><u>Lighting, Scaffolding and Generators</u></p>	
<p>a. The Production shall agree the positioning and safety of lighting stands in advance with the Film Contact and/or designated authority. An appropriate degree of flexibility may be agreed providing it is within the parameters of Health and Safety legislation. b. Any scaffolding constructed must be certified as safe. c. The following considerations should be taken to prevent risk to the public and the Production: i. All lights and lighting stands must be properly secure; ii. Lighting stands placed on open footways must be attended at all times; iii. Lights should not dazzle motorists or pedestrians; iv. Lights should not be shone towards residential or professional properties without the specific permission of both Kent Film Office and the tenant. d. Any generators used should comply with the specific requirements of the</p>	<p>Electricity at Work Regulations 1989 HSE Guidance note GS50 Electrical Safety for Places of Entertainment HSE Electrical Safety for Entertainers HSE Work At Height Regulations 2005: A Brief Guide</p>

<p>Environmental Protection Act 1990 and be positioned as agreed in advance. e. Generators must be sited exactly as agreed and should be run at agreed times. Running a generator outside agreed times would constitute a breach of the agreement to film and penalty charges would be enforced.</p>	
<p>Night Filming</p> <p>a. The Production shall consider and consult with the Film Contact, local residents and businesses in the planning process. b. Any activity, including filming, is subject to the Environmental Protection Act 1990 regarding noise and nuisance. A legitimate complaint about noise or nuisance from a resident to the local authority can result in the termination of the shoot and the confiscation of equipment. Therefore, it is advisable to shoot all scenes requiring noise above conversational level before 22.00 hours. c. Walkie-talkies should be turned down to a minimum and earpieces used. d. Excessive noise, or filming, rigging or de-rigging involving noise outside agreed times, will result in the termination of filming. All agreed fees will remain chargeable and excess fees may be charged. e. Where vehicles are left overnight to avoid noise of de-rigging they must be left “in-situ” and attended by Production security. Vehicles may only be left by prior arrangement or at the discretion of the duty security officer.</p>	<p>The Management of Health and Safety at Work Regulations 1999 Environmental Protection Act 1990.</p>
<p>Noise and Nuisance</p> <p>Use of audio playback and megaphones shall only be permitted following agreement between the Production and the Film Contact. The parking position of generators shall be agreed in advance between the Film Contact and the Production and will depend on local sensitivities. Please keep noise to a minimum when setting up early in the morning. Generators should not be switched on until after 08.00 hours unless they are silent and approved by the Film Contact.</p>	<p>Noise at Work Act 1989: Noise at Work – advice for employers leaflet</p> <p>Environmental Protection Act 1990</p> <p>Control of Noise at Work Regulations 2005</p>
<p>Parking</p> <p>The Production shall submit detailed parking plans to be discussed and agreed with the Film Contact and Parking Manager at the relevant District Council; in particular for on-street parking for technical vehicles, equipment and bays to be reserved for continuity. The Production shall make every effort to find off street parking for all facilities vehicles. It is inadvisable to enter into binding contracts or assume that a location is viable until parking requirements have been agreed with the Film Contact. The Production is responsible for the adherence to parking or vehicular movement agreements made with the Film Contact. Resident’s bays are rarely suspended and “Disabled bays” (whether for a designated person or for disabled drivers in general) will not be suspended where an alternative exists and only in</p>	<p>The Management of Health and Safety at Work Regulations 1999 Road Traffic Regulation Act 1984 Road Traffic Act 1988 Highways Act 1980 Traffic Management Act 2004 Managing Vehicle Safety at the Workplace (leaflet for employers).</p>

<p>very special circumstances where one does not. Film vehicles will not be allowed to park in such a way that the passage of pedestrians or vehicular traffic is blocked or impeded or that emergency access is restricted or denied. Prior agreement must be secured from the Film Contact to block a footway for filming.</p>	
<p>Planning</p>	
<p>Planning permission may be required for some temporary structures such as:</p> <ul style="list-style-type: none"> • The building of a set which will be up for more than 21 days from construction to strike. • The prolonged use of a building as a set or temporary studio. 	<p>Town and Country Planning Act 1990 Town and Country Planning (General Permitted Development) Order 1995</p>
<p><u>Police and Emergency Services</u></p>	
<p>The Production shall inform the police and/or appropriate emergency service of all proposed filming on the street and/or in a public space in liaison with the Film Contact. The staging of crimes and accidents, the use of firearms (including prop or replica firearms), special effects, and scenes involving moving vehicles or nudity shall be agreed, in advance of the shoot, with the police and/or appropriate emergency service and the Film Contact. The Production shall inform the police and/or appropriate emergency service when filming involves celebrities who may cause security or crowd control issues. If police officers are required to be in attendance on location, their role is to maintain the peace and uphold the law. The Production shall cover any costs of providing this service but it is acknowledged that police officers are not employees of the Production. The Film Contact and the emergency service in question shall be informed in advance if there are actors to be dressed in a specific uniform (police, ambulance, fire brigade or armed forces). Uniforms and any vehicles resembling the emergency services must be covered whenever possible and in particular between takes. Any markings on vehicles must be taped over when not being used for filming. Sirens and flashing lights shall be isolated or switched off when not in use for filming purposes.</p>	
<p><u>Problem Solving</u></p>	
<p>In the event of a dispute arising between the Production and other parties on location, please contact the Kent Film Office on 03000 422 000.</p>	
<p><u>Props</u></p>	
<p>Any props used during the shoot will be removed and the area made good.</p>	
<p><u>Public Liability Insurance</u></p>	
<p>The Production will provide a copy of Public Liability Insurance for all location filming and agree to indemnify the location owner or representative against any claims arising as a direct result of the activities of the Production. Also see, Indemnity & Insurance above.</p>	
<p><u>Residents and Businesses</u></p>	
<p>The Production shall consider and consult with local residents and businesses that may be affected by their filming prior to and during the shoot.</p>	
<p><u>Risk Assessment</u></p>	
<p>Risk Assessments are required by the self-employed and by any company with employees to be able to satisfy their insurance provisions and statutory obligations to employees and those</p>	<p>Guidance on writing risk assessments is available at: www.hse.gov.uk/entertainment</p>

<p>affected by their actions. Additional location specific Risk Assessments are also required depending on the type and nature of filming. Also see, Health and Safety.</p>	<p> Health and Safety at Work Act 1974 The Management of Health and Safety at Work Regulations 1999 Risk Assessment Leaflets 5 Steps to Risk Assessment </p>
<p><u>Rivers & Waterways</u> When planning to film on any waterway, the Production will liaise with the Film Contact from the relevant governing body as early as possible. Specific health and safety measures will apply.</p>	
<p><u>Road Markings and Signs</u> The temporary painting-out or disguising of road markings, lines or other road signs is subject to agreement in advance with the Film Contact and, if necessary the Highways Authority officer. The Production shall also notify local Police in advance of any such undertaking. The Production agrees to fully reinstate any alterations to road markings to the satisfaction of the Highways Authority and when obliged to use official contractors shall pay cost price.</p>	
<p><u>Security</u> The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK. All production hired security must be SIA licenced. In addition, when guarding licenced properties open to the public, Door Supervisor Licences are required for active security personnel, regardless of whether the premises are open to the public at the time of filming. The Production shall respect security issues local to the area in which the filming is taking place and may be asked to work alongside on-site security officers. It is acknowledged that these security officers are not employees of the Production.</p>	
<p><u>Signage</u></p>	
<p>All signs directing crew to specific locations must be erected by a contractor approved by relevant Highways Authority and must be taken down after filming. Unless approved by the relevant Highways Authority, unit direction signage on the highway is illegal. The Production shall consult the Film Contact before attaching all other non-public highways signage.</p>	<p> Highways Act 1980 Section 132(1) Traffic Signs Regulations & General Directions 2002 Clean Neighbourhood and Environment Act 2005 </p>
<p><u>Sound Playback</u> The filming of artists to sound play-back can only be undertaken with the prior agreement from the Film Contact, at any time.</p>	
<p><u>Street Signs / Street Furniture / Street Lighting</u> The removal of street furniture, including street signs, and the adjustment of street lighting shall be subject to agreement in advance between the Film Contact and, if necessary, the Highways Authority officer. All agreed work shall normally be carried out by the Highways Authority and charged to the Production at cost. The Production shall agree to cover these costs and those of re-instatement. Minor work by the Production may be permissible with prior permission and any damage or reinstatement costs would have to be met by the Production.</p>	

Stunts/Special Effects/Pyrotechnics

For the avoidance of doubt this section refers to, but is not limited, to all car chases, river chases and explosions. In accordance with statutory **Health and Safety** obligations, the Production shall provide a **Risk Assessment**.

The Production shall notify the relevant Film Contact or relevant third party whenever stunts are to be used. A full method statement and risk assessment may be required.

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

Wet downs and rain effects may only be carried out with the approval of the Film Contact after a proper evaluation of the forecast weather conditions and with the proper signage as required.

Stunts

[The Management of Health and Safety at Work Regulations 1999](#)

[HSE Entertainment Information Sheet no 17 \[Stunts, Fights and Other Potentially Hazardous Production Activities\]](#)

[HSE Entertainment Information Sheet no 22 \[Safe Filming and Recording Involving Vehicles\]](#)

[Explosives Act 1875](#)

[Road Traffic Act 1988](#)

SFX

[The Provision and Use of Work Equipment Regulations 1998](#)

[The Fire Precautions \[Workplace\] \[Amendment\] Regulations 1999](#)

[HSE Entertainment information sheet number 3 \[Smoke and Vapour Effects Used in Entertainment\]](#)

[HSE Information Sheet number 16 \[Special or Visual Effects Involving Explosives or Pyrotechnics Used in Film and Television Productions\]](#)

[The Dangerous Substances and Explosive Atmospheres Regulations 2002](#)

[A Brief Guide to the Control of Substances Hazardous to Health Regulations 2002](#)

[Control of Explosives Regulations 1991](#)

Wet Downs & Rain Effects

[HSE Guidance note 155 \[Preventing Slips and Trips at Work\]](#)

Please Note:

The description “filming” refers to every type of filming. In particular feature films, television productions, commercials, music promotion videos, corporate filming, student/short films and stills photography.

This document is intended as a guide to the requirements of filming in Kent. It is not exhaustive and the Production must enter into a specific agreement before filming can be started. The Kent Film Office accepts no liability for loss, financial or otherwise, alleged to have been incurred as a result of these guidelines.

This document, along with other documentation associated with the filming, forms part of the agreement to film.

Please direct any queries regarding the guidelines to: filmoffice@kent.gov.uk