

CODE OF PRACTICE FOR FILMING IN EAST LOTHIAN

To support the efforts of East Lothian Council and Film Edinburgh to facilitate services to the film and television industries, the following procedures have been adopted.

Film Edinburgh promotes Edinburgh, East Lothian, Midlothian and the Scottish Borders as a filming location, facilitates the production process and monitors the economic impact of filming thereafter. All initial filming inquiries should be made to Film Edinburgh. Film Edinburgh will assess the requirements of the production and refer details and production personnel to relevant Council services and Police Scotland.

This Code of Practice applies to film, television and commercial productions working within East Lothian boundaries. For smaller productions and student projects, the general principles of good practice, cooperation and courtesy will apply. East Lothian Council should be informed of all filming activity taking place on public property and the first point of contact for this should be Film Edinburgh.

This Code of Practice should be read in conjunction with the Film Charter to which East Lothian Council and Film Edinburgh are committed.

Film Edinburgh City of Edinburgh Council

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film@edinburgh.gov.uk

www.filmedinburgh.org

Any filming undertaken and any liability going forward is the sole responsibility of the production company and its employees.

Production companies are advised to use the service of a professional Location Manager who will be fully conversant with this Code of Practice and protect the interests of both the production company and the location owner.

APPLY TO FILM IN EAST LOTHIAN

No filming activity should take place until permissions have been granted by all the relevant parties. The production company must ensure that all those affected by filming have been consulted and informed of arrangements. Details of notification times to film can be found at the end of this document. Dialogue and special guidance should be sought by the production company from the Council for large-scale productions and those involving points 1c through 1i below.

1. East Lothian Council should be informed of all filming activity taking place on public property within their area. The production's first point of contact for this purpose is Film Edinburgh, the film commission for Edinburgh, East Lothian, Midlothian and the Scottish Borders. Film Edinburgh will require copies of the

shooting script and the schedule at the earliest opportunity. The following will be required by Film Edinburgh for dissemination to the appropriate local authority services to aid the production process and to ensure filming can be accommodated:

- a) name of the production company, the type of production and a contact person and telephone number;
 - b) scale of production in terms of numbers of personnel and vehicles;
 - c) use of public land and / or East Lothian Council property, road closures; removal, alteration and disguising of street furniture and carriage way markings;
 - d) use of cranes, aircraft, cherry pickers, track, low-loaders, 'A' frames and other potentially hazardous equipment in a public place;
 - e) parking of production vehicles on yellow lines, in meter bays or residents' bays;
 - f) use of special effects, rain or snow machines, wet downs and stunt work on public footways or carriageways;
 - g) productions which depict subjects of a controversial nature; and
 - h) filming involving children or animals.
 - i) Use of Drones, activity should be limited to areas and times that permission has been granted. East Lothian Council will require the flight plan before approving drone filming taking into consideration location – proximity to residents, highways and specific wildlife areas and the impact it may cause. All drones that weight more than 250g must register with the Civil Aviation Authority. Please check [Overview : Flying drones and model aircraft | UK Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/Overview/Flying-drones-and-model-aircraft)
2. East Lothian Council requests that:
- a. When filming has taken place on a public highway or public space, that location and/or public highways in East Lothian be credited 'East Lothian Council'.
 - b. When filming has taken place within East Lothian that the cooperation of 'Film Edinburgh', 'East Lothian Council', and 'Visit East Lothian' is credited.

ACCESS TO FILMING

3. East Lothian Council requires that access to filming activity in East Lothian shall be afforded to a representative of Film Edinburgh; such access not to be unreasonably withheld.
4. The representative of Film Edinburgh will bring to the attention of the production non adherence to any aspect of the Code of Practice, especially in relation to Health and Safety. Where resolution cannot be achieved the matter will be passed to the statutory body for consideration.

POLICE AND EMERGENCY SERVICES

5. Police Scotland – Operational Planning Department must be informed of filming activity. Film Edinburgh will notify the police with this information initially, but a follow-up dialogue directly between the production company and the police force

is suggested for larger productions. In addition to advising the police of points 1(a)-(h) above, special guidance should be sought with the following:

- a) the staging of crimes, accidents or use of firearms or other offensive weapons; and
 - b) the dressing of artistes in police uniforms. It is an offence to impersonate a police officer and cast should be asked to cover such uniforms between takes.
6. Where Police Scotland deems it necessary for there to be a Police presence for public safety purposes, filmmakers will be advised to apply for Police services. Police Scotland will charge a fee to the Production Company for these resources. Where management of traffic is involved, a TTRN/O will be required.
7. Emergency Services should be notified of filming activity and access for emergency vehicles must always be maintained during location filming. Where relevant the Emergency Services should be duly advised of:
- a) any likely disruption to traffic due to road closures during filming;
 - b) use of fire hydrants, special effects, fires or explosions (Fire and Rescue Services);
 - c) the impersonation of fire officers or use of pseudo fire tenders (Fire and Rescue Services);
 - d) the impersonation of ambulance staff or use of pseudo ambulances;
 - e) where occupied premises are used as film locations all fire precautions must be complied with unless previously agreed by the fire brigade.

LOCATIONS

8. Filmmakers should ensure that location owners are:
- a) kept fully informed of the intentions of the production company at all stages, whether the location is used for filming eventually or not;
 - b) given a reasonable site rental in accordance with the budget of the film;
 - c) issued with an approved location contract which clearly states the terms agreed between themselves and the production company; and
 - d) given details of any art department requirements including dressing and construction.
9. Proof of Public Liability insurance with an adequate limit of indemnity (no less than £10 million) and all other insurances required by law should be made available on demand to anyone affected by the location filming activities of the production company.
10. Film Edinburgh should always be advised of any filming activities taking place within East Lothian who will in turn inform East Lothian Council.

11. The Filmmaker agrees to complete and return a Regional Production Expenditure Form to Film Edinburgh, upon completion of filming.
12. A number of countryside and coastal areas in East Lothian are environmentally and culturally sensitive therefore it is key that early discussions with relevant council departments are made before filming is agreed.

CHARGING

13. East Lothian Council has a Charging Policy in relation to the fees and charges it levies for discretionary services, and where appropriate aims to achieve full cost recovery. For example, a location fee would be payable for the use of any public land that is managed by East Lothian Council, or where staff time is required to support planning, access, or filming..
14. Other fees will be chargeable from time to time, for example in relation to Temporary Traffic Regulation Orders or Occupation Permits.
15. Guidance on fees and charges can be provided by East Lothian Council.

ROAD AND TRAFFIC MANAGEMENT

16. The use of cones on public highways have no legal status unless sanctioned by a Temporary Traffic Regulation Notice/Order.

To close roads, restrict parking or control traffic, a Temporary Traffic Regulation Notice/order and an Occupation permit is required. It is the responsibility of the film company to apply in an appropriate time. Permission is also required for setting up Temporary Traffic Signals. See:

[Road permits and consents | Road maintenance and management | East Lothian Council](#)
17. Subject to agreement with East Lothian Council it may be possible to cover over road marking temporarily while filming takes place, at the filmmakers' expense.
18. Requests to remove street furniture and signage may be accommodated with sufficient notice to East Lothian Council. These works must be planned and funded by the filmmaker, and any agreed removals must be done under relevant permits issued by East Lothian Council's Road Services Department by accredited Contractors.
19. All roads, street furniture and signage must be returned in original condition if any temporary changes are made at the filmmaker's expense.

CARE OF THE LOCATION

20. Filmmakers are guests on a location and must treat both public and private property with the utmost respect.
21. The filming location should be kept clean and any waste generated by the filmmaker should be removed, including spillages such as oil or fuel.
22. Protective materials or dust sheets should be provided where appropriate to cover furniture and flooring for interior filming.
23. Objects belonging to the location must not be moved or removed without the owner's express permission.
24. All signs or property removed or disguised for filming purposes must be reinstated upon completion of filming. All signs posted to direct the company to location must be removed. All changes to signage requires approval from East Lothian Council prior to filming commencing.
25. The company must make good any damage (including ground damage) caused by its activities immediately after filming and must notify all parties concerned.
26. Whenever necessary the company must ensure that the location and its environs are protected by security staff.
27. The crew members responsible for the location should check it thoroughly before departure to ensure that the property has been restored to its original state and that any evidence of filming activity has been removed.
28. In certain circumstances the local authorities, police, emergency services or location owners may deem it necessary to impose additional stipulations on production companies by mutual agreement.

HEALTH & SAFETY

29. It is the responsibility of the production company to ensure that employees are in compliance with current Health and Safety regulations (HSE INDG360) when filming on location.

30. All locations must be assessed for risk and hazard. When necessary, a Health and Safety professional should be consulted. The Council's Health and Safety Service should be consulted when filming on Council property.
31. A person qualified in first aid should always be present during filming.

PERFORMANCES INVOLVING CHILDREN

32. For performances involving children, filmmakers must comply at all times with the Children (Performance and Activities) (Scotland) Regulations 2014. Should your production include children under school leaving age you may require a licence. For more information please check the following website: https://www.eastlothian.gov.uk/info/210557/schools_and_learning/12412/children_in_performances_and_activities

RESPECT FOR RESIDENTS AND MEMBERS OF THE PUBLIC

33. Filmmakers on location are visitors and should be sensitive to the community in which they are working. Members of the Public should be treated with courtesy and consideration at all times.
34. All neighbouring residents and businesses affected by filming must be notified in advance by letter of filming arrangements in their area.
35. Filmmakers should communicate with all potentially affected residents and businesses as soon as a location is selected, with a request for the community to get in touch should they have any queries or concerns, no later than 2 weeks ahead of filming for large scale productions. For day-time filming, notice of at least one week should be given, though an initial letter setting out intentions should be distributed to all affected residents and businesses at the earliest opportunity in order to give locals a chance to raise questions of impact and activities which may affect the production. For night-filming in residential areas, three weeks' notice should be given (see 43-44: Night Filming). A copy of residents' and businesses letters should be received by Film Edinburgh prior to it being printed and distributed and to a timescale so that the notice period above is achieved.

Resident letters should include the following information:

- Name of Production Company, type of production, contact name, telephone number (including an out of hours contact) and email address;
- Location of filming and filming-related activity including unit / technical parking;
- Dates and times of filming and filming-related activity including unit / technical parking;

- Description of exterior activity / scenes;
 - Scale of impact in terms of numbers of personnel / vehicles;
 - Use of drones / large-scale filming equipment;
 - Letters should refer to working with Film Edinburgh
36. Noise must be kept to a minimum and comply with the Antisocial Behaviour (Scotland) Act 2004 especially during night-time hours (23.00 to 07.00). Generators should be baffled or integral with the location vehicle. Use of audio playback and megaphones must be discussed in advance. If a number of days filming is proposed at the same location, a day's respite must be provided.
37. Crew members should aim to dress decently at all times in all weathers. Dress codes imposed on particular locations for religious or other reasons must be adhered to.
38. Crew and cast should refrain from using lewd or offensive language.
39. Crew members should keep access to homes and businesses clear at all times.
40. Lighting and other equipment must not cause a hazard to the general public. Cables should be flown to a minimum height of 2.6m above the footway and 5.7m above the carriageway or covered with matting when crossing pavements. Where appropriate warning cones and hazard tape should be used.
- No danger or annoyance should be caused by the dazzle of lights.
41. If filming activity blocks a footway, an alternative safe and supervised route for pedestrians must be provided. This route should be fully accessible for wheelchair users, the elderly, parents or guardians with pushchairs, and other pavement users with limited mobility or vision.
42. Filming or filming-related activity on the public road will be limited to no later than 23:00 and no earlier than 07:00 in residential areas unless by prior agreement.
43. Night filming: Any filming or filming-related activity between the hours of 23.00 and 07:00 will require consultation with affected residents / businesses as well as East Lothian Council and Police Scotland. Adequate time must be allowed for consultation, with three weeks recommended.
44. Night filming: Noise. Generators must be baffled or integral with the location vehicle. Large equipment must be in place outside anti-social hours and not

moved during this period. Any anticipated noise must be limited to a specific short period of time and this made clear to affected residents / businesses.

Where possible, vehicles should use white noise warnings or banksmen as opposed to beeping or spoken word alerts.

Night filming: Light. Blackouts should be provided so as to protect the public from light pollution when required.

Unreasonable noise and nuisance caused by filming may be subject to action under the Environmental Protection Act 1990 and Antisocial Behaviour Act 2004 permits / traffic orders may be revoked.

OBSERVING DESIGNATED AREAS

45. Filmmakers' activities should be limited to areas and times for which permission has been granted.
46. Production 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.
47. Drinks and meals should be taken only in designated areas.
48. No smoking restrictions in accordance with the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 must be adhered to. No smoking areas must be observed. Where smoking is allowed, cigarettes must be extinguished in the ashtrays provided by the production company.
49. 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.

This document, including notification timescales set out below, is intended as a guide to the conduct expected while filming on the streets and other public places in East Lothian. It may be subject to change, is not exhaustive, and filmmakers, Location Managers and production companies are advised that they should check details with Film Edinburgh or East Lothian Council as required.

Notification Requirements Guide

Activity	Notification period
Camera track / equipment on the road (partial obstruction)	4 weeks (minor road, no more than 5 days), from receipt of Traffic Management application and Traffic Management Plan. 12 weeks (main road / more than 5 consecutive days), from receipt of Traffic Management application and Traffic Management Plan.
Drone use	2 weeks (will be operated at a remote location)
Intermittent Traffic Controls (ITC)	3 weeks (minor road, no more than 5 days) following joint agency meeting 6-8 weeks (major road, more than 5 days) following joint agency meeting
Large-scale production requests	6-8 weeks
Lighting towers / scaffolds / cranes permits	4 -6 weeks
Location contracts (estates)	4 weeks
Parking / Single yellow line dispensation	2 weeks
Core Path Closure	Section 11 order required under Land Reform Act minimum 4 months required
Residents and Businesses letter drop	1 week - day filming (full details) 3 weeks - night filming
Road closure	3 weeks (minor road, no more than 5 days) following joint agency meeting

	6-8 weeks (major road, more than 5 days) following joint agency meeting Additional consultation required for closures affecting commercial or school bus routes.
Small-scale production requests (low/no impact)	3-7 days
Stunts / Special Effects/ Pyrotechnics	3 weeks (minor road, no more than 5 days) following joint agency meeting 8 weeks (major road, more than 5 days) following joint agency meeting