

# Transport and Environment Committee

10am, Thursday 28 February 2019

## Code of Practice for Filming in Edinburgh – referral from the Culture and Communities Committee

Item number	8.1
Report number	
Wards	All
Council Commitments	

### Executive summary

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On 29 January 2019 the Culture and Communities Committee considered a report by the Executive Director of Place that set out the Council's policies and procedures for filming in Edinburgh.

The report has been referred to the Transport and Environment Committee for its joint approval given the relevance of some of the code of Practice to its remit in regards to place management.

# Terms of Referral

## Code of Practice for Filming in Edinburgh – referral from the Culture and Communities Committee

### Terms of referral

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- 1.1 In 1999 the City of Edinburgh Council and its film office published its Filming Charter, confirming the Council's commitment to facilitating services to the film and television industries and obliging filmmakers to abide by a Code of Practice in return for the Council's advice and support. These have been refreshed in 2008 and again in 2014.
- 1.2 Following consultation with relevant stakeholders within the Council and receiving feedback from residents and businesses, the Code of Practice has again been updated.
- 1.3 On 29 January 2019 the Culture and Communities Committee considered a report by the Executive Director of Place that set out the Council's policies and procedures for filming in Edinburgh.
- 1.4 The Committee agreed:
  - 1.4.1 To approve the revised Code of Practice for filming in Edinburgh: A-Z Guidelines.
  - 1.4.2 To approve that the procedures and policies relating to use of drones (Code of Practice - Appendix 2) could be reviewed after six months to ensure they were fit for purpose.
  - 1.4.3 To refer the report to Transport and Environment Committee for their joint approval given the relevance of some of the Code of Practice to their remit in regards to place management.

### For Decision/Action

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- 2.1 The Transport and Environment Committee is requested to approve the report.

### Background reading / external references

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Culture and Communities Committee – 29 January 2019

## Laurence Rockey

Head of Strategy and Communications

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Appendix 1 – Report by the Executive Director of Place

# Culture and Communities Committee

10.00am, Tuesday, 29 January 2019

## Code of Practice for Filming in Edinburgh

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### Executive Summary

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The Code of Practice sets out the Council's policies and procedures for filming in Edinburgh. Film Edinburgh will use this document to promote Edinburgh as a "film friendly" city to filmmakers. The Code of Practice was first approved in 1999 and updated versions were approved in 2008 and 2014. Following consultation with relevant stakeholders within the Council and receiving feedback from residents and businesses, the Code of Practice has again been updated.

## Code of Practice for Filming in Edinburgh

### 1. Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 Approve the revised Code of Practice for filming in Edinburgh: A-Z Guidelines;
  - 1.1.2 Approve that the procedures and policies relating to use of drones (Code of Practice - Appendix 2) can be reviewed after six months to ensure they are fit for purpose; and
  - 1.1.3 Refer the report to Transport and Environment Committee for their joint approval given the relevance of some of the Code of Practice to their remit in regards to place management.

### 2. Background

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- 2.1 Edinburgh has long been aware of the benefits of filming to the city, being the first city in Scotland to create a film office in 1990 (2<sup>nd</sup> in the UK).
- 2.2 In 1999 the City of Edinburgh Council and its film office published its Filming Charter, confirming the Council's commitment to facilitating services to the film and television industries and obliging filmmakers to abide by a Code of Practice in return for the Council's advice and support. These have been refreshed in 2008 and again in 2014. Since then, the Filming Charter and the statement of support that it engenders has been integral in the city winning hugely successful film and TV productions including - 'Avengers Infinity War', 'T2 Trainspotting', 'Outlander', and the Netflix production about Robert The Bruce, 'Outlaw King'.
- 2.3 The direct economic impact of filming in the city has grown to a record £16M in 2018, creating jobs for over 300 residents and opportunities for 280 businesses. These films and TV programmes promote Edinburgh to millions of people all over the world.
- 2.4 VisitBritain research (February 2018) reports that over 78% of visitors to the UK are influenced in their choice of destination by film and TV. The Outlander effect is well known, with Doune Castle experiencing over 110% increase in visitor numbers since its appearance in the TV series, and Craigmillar Castle and the Museum of Edinburgh now counting increases in footfall since being featured. Tour operators are running Outlander and Trainspotting tours and Edinburgh's event companies are creating Outlander, Trainspotting and Avengers-themed events.

- 2.5 With the advent of new technologies and increasing film and TV production in the city, the time is right to review and update the Code of Practice so that the city can continue to support filming. The new Code of Practice expands on processes and protocols expected of filmmakers in order to minimise disruption to the city, our businesses and residents.
- 2.6 The policies have been benchmarked against those of other UK cities which experience high levels of film and TV production, including Manchester, Liverpool and London, and will therefore be viewed favourably by the international film and TV industries, whilst also taking into account the views of local residents, businesses and services.

### 3. Main report

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- 3.1 The Culture Service is working with Film Edinburgh to update the Code of Practice which sets out the Council's policies and procedures on filming in Edinburgh.
- 3.2 The Code of Practice sets out the Council's expectations of the conduct of filmmakers filming in Edinburgh. This includes taking care of public and private property, observing health and safety considerations, obtaining necessary permissions, carrying appropriate levels of public liability insurance, and respecting members of the public.
- 3.3 Where the Council provides a specific service to a filmmaker – such as leasing of a property or the granting of permission to film on the tramline – this will be subject to a separate agreement.
- 3.4 Between July and October 2018 Film Edinburgh consulted relevant Council services and teams on the document.
- 3.5 The Code of Practice has been updated based on responses to the consultation as well as feedback received from residents and businesses. The most substantive changes have been:
  - 3.5.1 Appendix 2 – Drone Policy. The addition of a drone policy is to respond to today's needs as the use of drones becomes more prevalent in filmmaking and generally by members of the public. The Council departments consulted noted that having one Council team looking at risk assessments, method statements and other health and safety considerations at the outset, before applying for permits etc, would both make applying to the Council easier for filmmakers, but also provide a level of comfort that each application had been fully considered.
  - 3.5.2 Appendix 3 – Night Filming. The expansion of the policy regarding night filming is to give filmmakers clear guidance about the process, timescales and communication expected of filmmakers working outside social hours in residential and commercial areas of the city. The Environmental Protection Unit advised about the nuisance of noise and light in anti-social hours. The policy specifies the times beyond which noise and light are to be kept to a

minimum, requests details of consultation with occupiers of noise-sensitive premises, records that consultation with affected premises must be within an adequate timeframe, and asks for information about the noise/light mitigation methods to be provided. The night filming policy aligns with the night-filming policies in Manchester, Liverpool and London.

- 3.5.3 The Code of Practice clarifies that filmmakers must not place anything in the road, from cones to cranes, without the prior agreement of the Council's Roads Department.
  - 3.5.4 The Code of Practice is explicit about the expected content and timescale of letters to notify Residents and Businesses about forthcoming filming.
  - 3.5.5 The reporting is moving to Culture and Communities Committee from Economy Committee, given the relevance to events and related activity management in the city's public realm which rests within the committee's Culture Service remit. The report will also be referred to the Transport and Environment Committee given the relevance of some of the Code of Practice to their remit in regards to place management.
- 3.6 If approved by the Culture and Communities Committee, the updated Code of Practice will be publicly re-launched by Film Edinburgh to promote Edinburgh as a "film friendly" city.

#### **4. Measures of success**

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- 4.1 The Code of Practice will be used by Film Edinburgh to help attract filmmaking to Edinburgh, supporting local production spend.

#### **5. Financial impact**

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- 5.1 There is no financial impact arising from the contents of this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 There is no risk, policy, compliance or governance impact arising from the contents of this report.

#### **7. Equalities impact**

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- 7.1 There is no equalities impact arising from the contents of this report.

#### **8. Sustainability impact**

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- 8.1 There is no sustainability impact arising from the contents of this report.

## 9. Consultation and engagement

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- 9.1 The following Council teams and services have been consulted on the document: City Centre Team; Network Road Events; Public Safety and Events, Street Lighting and Environmental Protection. Police Scotland has also been consulted.
- 9.2 Filmmakers include contact details for the city's film office (Film Edinburgh) in their communications to residents / businesses about forthcoming filming. This results in Film Edinburgh receiving residents' questions and concerns both ahead of, and following filming. Film Edinburgh has utilized these comments to inform the update to the Code of Practice, in particular the guidance about Night Filming and Letters to Residents. Film Edinburgh has also consulted film industry professionals in Scotland, who have provided input which has informed production management.

## 10. Background reading/external references

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- 10.1 City of Edinburgh Council also signed up to the Film Charter in 2014 which confirmed the Council's commitment to facilitating filmmakers;  
[https://www.filmedinburgh.org/dyn/1438097007568/Film\\_Charter\\_Apr2014.pdf](https://www.filmedinburgh.org/dyn/1438097007568/Film_Charter_Apr2014.pdf)

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## 11. Appendices

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Appendix 1: Code of Practice for filming in Edinburgh: A-Z Guidelines





# Code of Practice for Filming in Edinburgh

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### Apply to film in Edinburgh

Film Edinburgh should be advised of any filming activities taking place within Edinburgh.

No filming activity should take place until permissions have been granted by all relevant parties. The Production Company must ensure that all those affected by filming have been consulted and informed of arrangements. Dialogue and special guidance should be sought by the Production Company from CEC for large-scale productions and those involving points 1c through 1f below.

1. **CEC** 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. 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:
  - a. Name of the production company, type of production, contact person and telephone number.
  - b. Scale of production in terms of numbers of personnel and vehicles
  - c. Road closures, removal, alteration and disguising of street furniture and carriageway 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
  - h. Filming involving children or animals.
2. CEC requires that access to filming activity in Edinburgh shall be afforded to a representative of Film Edinburgh; such access not to be unreasonably withheld.
3. The representative of Film Edinburgh or nominated officer of CEC will bring to the attention of the production company non adherence to any aspect of the Code of Practice, especially in relation to Health & Safety. Where resolution cannot be achieved, the matter will be passed to the statutory body for consideration.

### Cabling

No cables should be run over the public highway in such a manner to 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.

### Camera Track

All matters relating to tracking and filming equipment on the public highway must be discussed with the Roads department via Film Edinburgh at least 2 weeks in advance of filming.

If filming equipment blocks a footway, an alternative safe and supervised route for pedestrians must be discussed with CEC and provided by the Production Company. This route must be fully accessible for wheelchair users, the elderly, parents / guardians with pushchairs, and other pavement users with

## Code of Practice for filming in Edinburgh: A-Z Guidelines

limited mobility. A minimum safe width of 1.2m must be maintained at all times. However, more available width may be required depending on the location. This should be discussed with CEC.

Roadways must be clear of equipment unless agreed with CEC and relevant permits and traffic management have been obtained.

### Catering

Drinks and meals should be taken only in designated areas.

The positioning of catering vehicles must be discussed in advance with CEC via Film Edinburgh. *Productions companies are discouraged from positioning catering vehicles directly in front of residential property or commercial hospitality businesses.*

Caterers must provide evidence of licenses to CEC Environmental Health. Wherever possible, the production company should make use of environmentally friendly materials.

Wherever possible, but subject to the Production's or Commissioner's rules, catering should be sourced locally. All catering waste including spillages must be removed from site. Food waste and oils must not be deposited in rainwater gullies.

### Child Performers

For performances involving children, filmmakers must comply at all times with the Children (Performances) Regulations 1968. For advice and guidance on any matters relating to children in filming, Film Edinburgh can introduce the Production Company to the designated CEC officer.

### Coning

No Waiting cones on public roads have no legal status unless they are sanctioned by a Temporary Traffic Regulation Notice/Order or have been issued by CEC's Parking Services. If cones are placed on the road without permission, they are considered an obstruction on the road. They should not be used unless they are being positioned to ensure a pre-arranged TTRN/O is enforceable.

### Council Property

Use of Council property as a filming location will be facilitated by Council services wherever feasible; security, confidentiality, daily work requirements and schedules allowing. Location fees will reflect disruption and dedicated personnel time and will be negotiable. Any damage caused by a Production will be re-charged to the production company by CEC.

### Cranes / Jibs / Cherry Pickers

CEC via Film Edinburgh must be consulted about the positioning of cherry-pickers, cranes, jibs on the public road so that authorisation can be provided. It may be necessary for CEC to carry out an inspection with the Location Manager both before and after a cherry picker is used. Such equipment will require a permit from the Council. Conditions of any permission granted must be adhered to at all times.

Rigging and de-rigging shall be undertaken with respect for local residents and must be carried out outside anti-social hours to avoid any unreasonable noise or nuisance. Any rigging in anti-social hours

## Code of Practice for filming in Edinburgh: A-Z Guidelines

must be agreed in advance with CEC's noise abatement team and with consultation with local residents and businesses.

### Credits

CEC requests that location and/or filming credits, where possible, be acknowledged for filming activity taking place on the public highways in Edinburgh. Credits should refer to 'The City of Edinburgh'.

### Designated Areas

Filmmakers' activities should be limited to areas and times for which permission has been granted.

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 strictly necessary to ensure minimum disruption to residents and for which spaces are provided.

Drinks and meals should be taken only in designated areas.

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.

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 / Unmanned Aircraft Systems

Filmmakers' activities should be limited to areas and times for which permission has been granted. Please see appendix 2 for more details.

### Filming from Vehicles

The Production must inform CEC via Film Edinburgh when filming from a moving vehicle on public roads. This includes, but is not limited to, filming using low loaders, vehicle mounted cameras, tracking vehicles and A-Frames. Film Edinburgh will consult with Police Scotland when any such request is received. All Road Traffic legislation must be complied with subject to the grant of any concessions by CEC and/or Traffic Scotland and Police Scotland.

### Firearms and Weapons

No weapons (armoury) or firearms of any kind, including prop or replica firearms, shall be used without agreement in advance between the Production and Police Scotland. This includes filming exteriors and/or interiors on public and private property.

Where it is a live firing weapon, the Production must have a license holder for that weapon present, or a Registered Firearms Dealer (RFD) or a servant of the RFD. Where it is a blank firing weapon, it is recommended to have the above present.

## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Generators

All generators must be positioned as far away as reasonably practicable from residential and commercial properties unless prior permission has been given. It is recommended that super-silent generators are used, particularly where long term use or use during unsociable hours is anticipated. The production company should be prepared to take action should a reasonable complaint about noise be received.

### Health & Safety

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. It is a criminal offence to breach Health and Safety Regulations. Failure to comply may invalidate any insurance.

All locations must be assessed for risk and hazard. When necessary a Health and Safety professional should be consulted. The Council's Public Safety Manager should be consulted when filming on Council property.

A person qualified in First Aid should always be present during filming.

### Historic Buildings and Conservation Areas

Added restrictions will apply to historic buildings and conservation areas. Details of filming should be discussed with the respective filming contact and regulations observed.

### Indemnity and Insurance

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.

### Letters for Residents and Businesses

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. All neighbouring residents and businesses affected by filming or film-related activity (unit bases, technical parking etc) should be notified by letter of the filming arrangements, impact and mitigating action. For day-time filming, notice of at least one week should be given. For night-filming in residential areas, three weeks' notice should be given (see 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 achieved.

Resident letters should include the following information:

- Name of production company, type of production, contact name, telephone number and email address
- Location of filming and filming-related activity
- Dates and times of filming and filming-related activity
- Description of exterior activity / scenes
- Scale of impact in terms of numbers of personnel / vehicles
- Use of drones / large-scale filming equipment

## Code of Practice for filming in Edinburgh: A-Z Guidelines

- Road closures, removal / alteration, parking disruption
- Access arrangements
- Disruption and mitigation
- Night-filming: mitigation of noise/light nuisance
- Who to contact with concerns or queries

### Lighting

The placement of lighting stands on the carriageway or footway must be agreed with CEC.

Lighting must not cause a hazard to the general public. (Please refer to the section *Cabling* for guidance on safe cabling of such items).

No danger or annoyance should be caused to residents or members of the public by the dazzle of lights.

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 commercial properties at any time without specific permission
- Blackouts are available so as to protect the public from light pollution when required.

### Locations

Filmmakers should ensure that location owners are:

1. Kept fully informed of the intentions of the production company at all stages, whether the location is used for filming eventually or not
2. Given a reasonable site rental in accordance with the budget of the film
3. Issued with an approved location contract which clearly states the terms agreed between themselves and the Production Company
4. Given details of any art department requirements including dressing and construction.
5. Protective materials or dust sheets should be provided where appropriate to cover furniture and flooring for interior filming.
6. Objects belonging to the location must not be moved or removed without the owner's express permission.
7. All property removed or disguised for filming purposes must be reinstated upon completion of filming.
8. The filming location should be kept clean and any waste generated by the filmmakers should be removed.
9. The Production Company must make good any damage (including ground damage) caused by its activities immediately after filming and must notify all parties concerned.
10. Whenever necessary, the company must ensure that the location and its environs are protected by security staff.
11. The crew and 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.



## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Night Filming

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 and adherence to Night Filming guidelines. Any filming or filming-related activity between these hours will require consultation with affected residents / businesses as well as CEC and Police Scotland. Adequate time must be allowed for consultation. 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.

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

Please see detailed guidance for *Night Filming*.

### Noise and Nuisance

Use of audio playback and megaphones must be discussed with CEC via Film Edinburgh. The parking position of generators must be agreed in advance and will depend on local sensitivities. Generators should be baffled or integral with the location vehicle. If numerous days of filming are proposed in the same location the production company should provide one day of respite per week for residents.

### Notifications

CEC via Film Edinburgh must be notified of all filming taking place on public property within its area. Film Edinburgh will require copies of the shooting script and schedule at the earliest opportunity. See *Apply to Film in Edinburgh* above.

Police Scotland Edinburgh Operations Planning Dept must be informed of filming activity. Film Edinburgh will notify the police with this information initially but a follow-up dialogue directly between the Police and the Production Company is suggested for larger productions. Special guidance should be sought about the staging of crimes, accidents or use of firearms or other offensive weapons, artists dressed in police uniforms and use of pseudo police vehicles.

Emergency Services should be notified of filming activity and access for emergency vehicles must always be maintained during location filming. CEC will advise Emergency Services of temporary traffic restrictions through distribution of the TTRN / TTRO. The Production Company must advise the emergency services of use of SFX, fires or braziers, fire hydrants, impersonation of emergency services officers or pseudo emergency vehicles.

All neighbouring residents and businesses affected by filming should be notified in advance by letter of filming arrangements in their area. Notice of at least one week should be given. See *Letters for Residents and Businesses* above.

## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Parking

Parking plans should be submitted by the Production Company and discussed with Film Edinburgh and agreed with CEC; in particular for technical vehicles, equipment, and bays reserved for continuity. The Production Company should make every effort to find off street parking for all facilities vehicles. Cast and crew should not park personal vehicles in the immediate vicinity of a location unless spaces are provided. Production vehicles should be parked where agreed at pre-arranged times. Cones for parking should only be used with the prior agreement of CEC.

Engines should be switched off on arrival. Access to homes and businesses should be kept clear at all times unless agreed in advance with the owner. Mandatory or warning traffic signs must not be obscured when parking vehicles on highways that are not closed.

Productions units can apply for a combination of single yellow line dispensation and pay bay suspension for production vehicles if they are operating within restricted zones and times. Parking Services need three working days notice to implement this. See *Parking Operations Special Events Procedure* in the Appendix.

Productions that plan to arrive at a location outside restricted zones or times and need to guarantee their spaces will need to apply for a TTRN / TTRO through the Roads Department. Two weeks notice is required for TTRNs, eight weeks for TTROs. Cones must be used only in agreement with CEC. See *Roads and Traffic Management*.

Parking operations can supply dedicated resources such as parking attendants and removal trucks to ensure that suspensions and TTROs are cleared in time. These services can be employed Monday to Saturday 07:00 – 18:30. Outside these hours a minimum of 1 week's notice is required. See *Parking Operations Special Events Procedure* in the Appendix for pricing.

### Police & Emergency Services

**Police Scotland** – Edinburgh Operations 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 is suggested for larger productions. In addition to advising the Police of points 1a-h above (see: *Apply to film in Edinburgh*), special guidance should be sought with the following:

1. The staging of crimes, accidents or use of firearms or other offensive weapons
2. The dressing of artists in police uniforms. It is an offence to impersonate a police officer and cast must cover such uniforms between takes.

Any Police presence requested to assist filming events will be by risk assessment and will be subject to cost recovery by Police Scotland. Where management of traffic is involved, a TTRN/O will be required.

**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:

1. Any likely disruption to traffic due to road closures during filming. CEC will distribute the TTRN / TTRO to emergency services in this regards.
2. Use of fire hydrants, special effects, fires or explosions (Fire and Rescue Services)
3. The impersonation of fire officers or use of pseudo fire tenders (Fire and Rescue Services)

## Code of Practice for filming in Edinburgh: A-Z Guidelines

4. The impersonation of ambulance staff or use of pseudo ambulances
5. Where occupied premises are used as film locations all fire precautions must be complied with unless previously agreed by the Fire and Rescue Services.

### Publicity

The Production (or the Distributor or Broadcaster) shall provide Film Edinburgh with publicity materials on release of the project wherever possible.

### Public Liability Insurance

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.

### Rates

CEC does not have the authority to waive business rates on its or privately owned property which is rented and occupied by production companies. If however the production company believes that the rateable value is excessive, it can apply to the Valuation Office to have the rateable value reviewed.

### Residents and businesses

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.

The production company should consult with local residents and businesses that may be affected by filming prior to and during the shoot. Film Edinburgh should be approached before residents and businesses are contacted because they can provide relevant local information to aid a fair consultation process.

Please see *Night Filming* guidelines for filming in anti-social hours.

### Risk Assessment

Risk Assessments are required by both the self-employed and any organisation with employees so that they can meet their statutory duties to employees and those affected by their actions, as well as satisfying their insurance obligations. Specific Risk Assessments, beyond those generic assessments generally applying to film production on location, are also required depending on the type and nature of filming, and also as to the place(s) where filming is to take place. When necessary a Health and Safety professional should be consulted. The Council's Health and Safety Manager should be consulted when filming on Council property.

While the Location contact may demand the provision of copies of the Production's Risk Assessments, the responsibility of the completion and content of this document lies solely with the Production, specifically the Producer. The Producer retains a non-delegable duty to ensure that the film production is performed safely, though the Producer can decide to delegate some element of responsibility to as 'competent other'. All such health & safety duties, and therefore any liability arising, ultimately lie with the Producer – to that extent those duties are non-delegable. It must be

## Code of Practice for filming in Edinburgh: A-Z Guidelines

underlined that merely because Risk Assessments have been provided as requested by the provisions of the Location contact, that does not mean that the Location contact has approved or signed off the document.

### Rivers & Waterways

When planning to film on any waterway, the production company must liaise with the relevant governing body as early as possible. Specific Health & Safety measures will apply.

### Road and Traffic Management (TM)

The Production Company will liaise with CEC via Film Edinburgh about using public roads and footpaths for filming or placing down equipment. Once locations and the requirement for street closures, control or occupation are identified, Film Edinburgh will convene a meeting of Police and Council authorities to examine plans, identify difficulties, suggest solutions to problems and settle on schedules. Thereafter, the producer or location manager will liaise with Police and Council officers to conclude the details.

To close roads, restrict parking or control traffic a Temporary Traffic Regulation Day Notice (TTRN) or Temporary Traffic Regulation Order (TTRO) is required.

Road closures, parking restrictions and traffic control away from main arterial routes, unlikely to cause widespread disruption and not in effect for longer than 5 consecutive days, will require a TTRN. A minimum of 2 weeks' notice prior to the first restriction is required for a TTRN.

Road closures, parking restrictions and traffic control on main arterial routes and/or likely to cause widespread disruption and/or in effect for longer than 5 consecutive days, will require a TTRO. A minimum of 8 weeks' notice prior to the first restriction is required for a TTRO.

CEC will issue the TTRO or TTRN to the applicant, but it is the filmmaker's responsibility to put out the TTRO notices as well as the yellow Correx 'No Parking' boards and cones on the street. Filmmakers will require the services of a competent TM company to put in place the necessary traffic management (signage, cones, barriers, intermittent traffic controls etc). Drawings showing TM setups should be submitted to CEC for review prior to being placed out on the street.

It should be noted that main (trunk) routes outside city and town boundaries are the responsibility of the Scottish Executive and separate negotiations will be required.

### Road Markings

Subject to agreement in advance with CEC, yellow lines and other road markings may be covered by the production company, either with loose material which can be swept up afterwards or with water-soluble paints which must be cleaned off after the shoot. The production must fully reinstate any alterations to road markings to the satisfaction of CEC and, when obliged to use official contractors, the production company will cover the cost.

### Rubbish and Waste Removal

The filming location should be kept clean and any waste generated by the filmmaker must be removed, including spillages such as oil or fuel.

### Scaffolding / Lighting Towers

All requests to erect scaffolding, staging or lighting towers in a public area, highway or footway, must be agreed in advance with CEC. A temporary structure permit will be required. Applications should be submitted to the Permits team in CEC. 4 weeks notice is recommended.

### Security

Whenever necessary, the production company must ensure that the location and its environs are protected by security staff. Staff should be SIA licensed.

### Signage

All production and unit signs to direct the company to location / unit base must be removed promptly when no longer required.

### Smoking

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.

### Street Signs / Street Furniture / Street Lighting

Requests to remove bollards, street lamps, bus stop signs, bike racks, street signs etc can be accommodated but sufficient notice must be given to CEC. All agreed work shall normally be carried out by CEC and filmmakers will be charged at cost for this service. Quotes will be supplied for each request. Other contractors may be used to work on street lights subject to approval by CEC Street Lighting.

Subject to negotiation, street lighting can be removed switched on or off or timings altered, where changes do not cause undue Health & Safety problems. Temporary lighting should be provided by the Production Company if the public access to the area is to be maintained where street lights have been removed or switched off, especially where street lights are disconnected or removed for long periods of time. Any public footpaths and carriageways must be lit to the appropriate standards set out in HSE BS5489 if previously lit.

Notice of at least one week is required.

If necessary, some bus shelters can be removed or replaced, although this can be expensive and dressing may be more cost-effective. CEC rather than the bus companies oversees the management of bus shelters.

All signs or property removed or disguised for filming purposes must be reinstated upon completion of filming. In some cases this will need to be completed before the road can reopen (i.e. where this is statutory signage).

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### Special Effects & Pyrotechnics

This section refers to, but is not limited to, all sequences including physical, atmospheric and pyrotechnic effects. The Production Company must notify the relevant location contact whenever physical, or pyrotechnic effects are to be used, and must consult CEC, Police Scotland and Emergency Services in advance. In accordance with statutory Health and Safety obligations, the Production Company must provide a Risk Assessment and Method Statement to CEC and the location contact.

The production company must inform local residents and businesses of such activity, in consultation with CEC / Film Edinburgh. All special effects must be under the direct supervision of a JIGS graded SFX Supervisor, or person of similar experience. Atmospheric effects (e.g. wet downs, snow, mist and rain) may only be carried out with the approval of the filming contact (CEC / location representative) after a proper evaluation of the forecast weather conditions and with the proper signage and a clear up and safe disposal schedule. Productions should consider existing industry codes and guidance documents from recognised bodies such as HSE, BECTU etc.

### Stunts

The Production Company must notify CEC via Film Edinburgh whenever stunts are to be used and must consult Police Scotland and Emergency Services in advance. In accordance with statutory Health and Safety legislation, the Production Company must provide a Risk Assessment and Method Statement. The production company must inform local residents and businesses of such filming. All stunts must be under the direct supervision of a recognised Joint Industry Stunt Committee (JISC) Coordinator or a person of similar experience.

### Traffic Management

See *Roads and Traffic Management* above.

### Trams

Filmmakers wishing to film on or near the tramlines are required to familiarise themselves with the Edinburgh Tram Byelaws and with supplementary guidance supplied by CEC and secure relevant authorisation from Edinburgh Trams as required by the Byelaws in advance of filming. Any construction or installation work within the “hazard zone” of the tramway will require an “Authority To Work” (ATW) Permit. More information can be found at <https://edinburghtrams.com/information/working-around-trams>.

### Waste Removal

The filming location should be kept clean and any waste generated by the Production Company should be removed, including spillages such as oil and fuel.

Crew members responsible for the location should check it thoroughly before departure to ensure that the location has been restored to its original state and that any evidence of filming activity has been removed.

### Wet Downs

See *Special Effects & Pyrotechnics* above.

### Unit Parking

The Production Company should make every effort to find off-road parking for all facilities vehicles. Where this is not possible, the Production Company should not park facilities vehicles directly in front of residential property or commercial businesses. The Production Company should ensure that generators are silent and parked as far away as reasonably practicable from residential and commercial properties unless prior permission has been given. Residents and businesses likely to be affected by a unit base should be notified by letter within a reasonable time (usually at least 1 week).

## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Appendices

#### Appendix 1: Documents & Permits

##### ROAD OCCUPATION PERMIT

[http://www.edinburgh.gov.uk/info/20089/roads\\_and\\_pavements/1390/road\\_occupation\\_permits](http://www.edinburgh.gov.uk/info/20089/roads_and_pavements/1390/road_occupation_permits)

##### EDINBURGH TRAMS: AUTHORITY TO WORK PERMIT

<https://edinburghtrams.com/uploads/general/AtWform.pdf>

##### CEC CEMETERIES FILMING GUIDELINES

<https://www.filmedinburgh.org/Filming/Permits>

##### HEALTH AND SAFETY REGULATIONS HSE INDG360

<http://www.hse.gov.uk/pubns/indg360.pdf>

##### HEALTH AND SAFETY REGULATIONS: ROAD LIGHTING HSE BS 5489

<http://www.hse.gov.uk/workplacetransport/factsheets/lighting.htm>

##### CHILDREN (PERFORMANCES AND ACTIVITIES) (SCOTLAND) REGULATIONS 2014

[http://www.legislation.gov.uk/ssi/2014/372/pdfs/ssi\\_20140372\\_en.pdf](http://www.legislation.gov.uk/ssi/2014/372/pdfs/ssi_20140372_en.pdf)

##### MANAGEMENT OF FIREARMS AND WEAPONS IN FILM & TV PRODUCTIONS

<http://www.hse.gov.uk/pubns/etis20.pdf>

##### RISK ASSESSMENTS

<http://www.hse.gov.uk/risk/controlling-risks.htm>

##### REQUEST A TEMPORARY TRAFFIC REGULATION NOTICE / ORDER

Contact Film Edinburgh [info@filmedinburgh.org](mailto:info@filmedinburgh.org)

##### REQUEST PAY BAY SUSPENSION OR SINGLE YELLOW LINE DISPENSATION

<https://www.filmedinburgh.org/dyn/1536249142707/GG-Special-Events-Procedure-2018-19.pdf>



## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Appendix 2: Drone filming policy

The City of Edinburgh Council has introduced a Drone Policy in response to an upsurge in public request and usage of drones (or Unmanned Aircraft Systems (UAS)) on council managed land including parks, roads and public open spaces.

Traditionally UAS have only been used by model aircraft enthusiasts for recreational purposes. However, they are increasingly being used for professional applications such as surveillance and data-gathering. Such aircraft may be operated in a way that could pose a risk to the general public.

This increase in use comes from both the recreational and commercial sectors. Commercially drones have become more popular for filming and surveying, replacing traditional methods of aerial film and still capture like light aircraft, extended jibs, scaffolding, abseiling etc. Furthermore, much larger UAS than before are now available to the commercial and public market. These aircraft are required by National and European laws to be designed and manufactured to an approved standard, and very often require a great deal more space in which to operate. Therefore it is often necessary to take additional steps to ensure that the aircraft can be safely integrated with other parties - both in the air and on the ground.

A great deal of online guidance, which is being regularly updated, can be found on the CAA website: [www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones](http://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones)

Essentially, the person controlling a small UAS is fully responsible for the safe operation of any flight, but it is important to consider whether permission, in addition to and separate from a licence from the CAA or others, is needed.

The regulations are intended to protect people and / or properties that are not involved in the activity. They are also aimed at being as 'light touch' and proportionate as possible, so there is a great deal that can be done (especially for private or recreational flights) without the need to approach the CAA at all.

#### City of Edinburgh Council Land Owner Stance – Drone Usage

In general terms, and in line with CAA advice, The City of Edinburgh Council (CEC) may refuse any request made to us for recreational or commercial purposes as land owner to fly drones on City of Edinburgh Council (CEC) land.

Exemptions will only be granted, where usage of a drone device;

- aids risk reduction in the work place i.e. working at height, building survey work
- is to undertake a professional service, i.e. Festivals & Events Media, filming, etc. whilst working within the constraints of CAA guidance noted above.

Reasons for the Council stance for recreational or commercial requests;

- The close proximity of many of our sites to neighbouring residential, educational and business properties and the potential risk of causing alarm, distress or harassment to occupants.
- Potential risk of accident, injury to other site users or property as a result of user or drone error.
- CEC granting permission could leave the local authority liable for subsequent actions brought about by drone activity when operated from land under our ownership

## Code of Practice for filming in Edinburgh: A-Z Guidelines

### Park Enforcement & Bylaws

If person/persons are found to be using an unauthorised drone or model aircraft on or from CEC land without permission they will be requested to stop immediately. If the user refuses to stop, Police Scotland will be called to attend to cease activity and remove the user from CEC land.

The Management Rules for Public Parks and Greenspace can be seen here:

[http://www.edinburgh.gov.uk/download/downloads/id/62/management\\_rules\\_for\\_parks\\_and\\_greenspaces.pdf](http://www.edinburgh.gov.uk/download/downloads/id/62/management_rules_for_parks_and_greenspaces.pdf)

Item 4.13 of those rules advises that “Engaging in any commercial activity whatsoever (including, without limitation, dog walking services, photography, filming and fitness training services)” is prohibited.

### Transport

#### *Roads*

Requests to fly from any part of the roads network of the City of Edinburgh should be made via “ROAD OCCUPATION PERMITS”

[http://www.edinburgh.gov.uk/downloads/download/339/road\\_occupation\\_permits](http://www.edinburgh.gov.uk/downloads/download/339/road_occupation_permits)

#### *Trams / Rail*

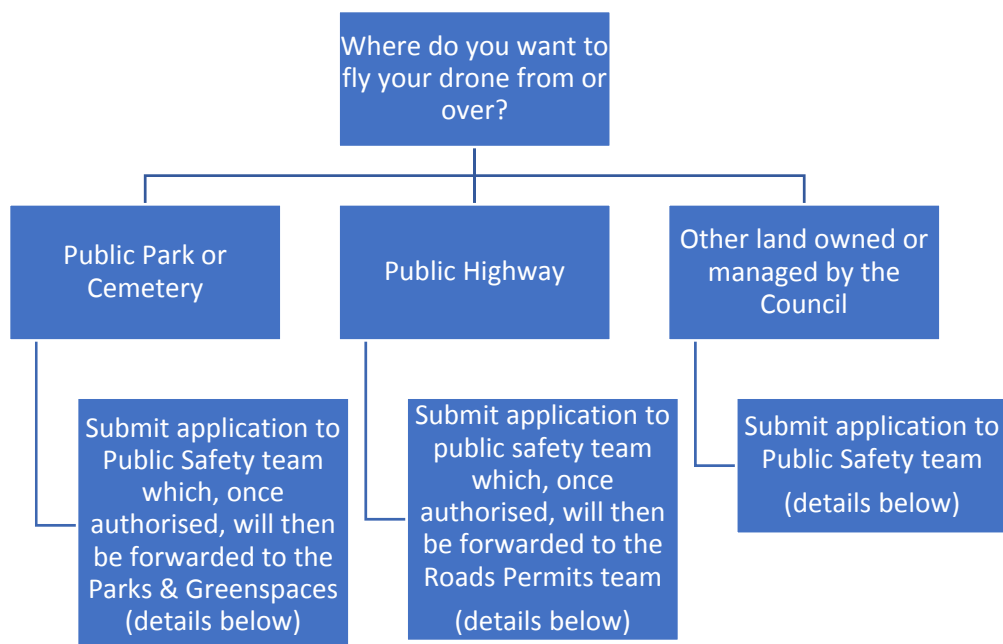
Requests to fly from or near any part of the tram network should be made through the through the “AUTHORITY TO WORK PERMIT” outlined in the Code of Practice.

<https://edinburghtrams.com/uploads/general/AtWform.pdf>

Similar requests for filming on or near railways and rail property should be made to the relevant part of the Rail Authority.

### Application Process

Any person who wishes to carry out UAS flights on, from or over any Council owned or managed sites should contact the appropriate Council team as below.



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**Parks & Greenspaces** - [parks@edinburgh.gov.uk](mailto:parks@edinburgh.gov.uk)

Apply here: <http://eventsedinburgh.org.uk/Parks-Greenspace.html>

**Roads Permits** - [roadservices@edinburgh.gov.uk](mailto:roadservices@edinburgh.gov.uk)

Apply here: [http://www.edinburgh.gov.uk/downloads/download/339/road\\_occupation\\_permits](http://www.edinburgh.gov.uk/downloads/download/339/road_occupation_permits)

**Public Safety** - [publicsafety@edinburgh.gov.uk](mailto:publicsafety@edinburgh.gov.uk)

Applications to public safety should be made well in advance and be accompanied by:

- Flight Plan 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.
- Evidence of CAA licence (where required)
- Evidence of Public Liability Insurance
- Confirmation of CAA permission (where required)
- Risk Assessment and Method Statement which must be specific to the operation in question

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 flight is close to or includes a highway. A fee will be applicable to obtain this additional permission.
- **Stewarding Plan:** description and maps of what control measures will be in place and where stewards will be located whilst the SUA in use.



**THE CITY OF EDINBURGH COUNCIL**

**PUBLIC SAFETY**

**Unmanned Aircraft System**

**Application for Use within City of Edinburgh Council boundary**

**INFORMATION ABOUT THE ACTIVITY**

**Film or Photography**

**Venue**

**Activity Title**

**Commercial / recreation**

**Set up Date and time**

**Start Date of activity**

**End Date of activity**

**De-rig/off site time**

Please provide a description of your activity which should include the total number of participants (including crew) under your control and noting any persons who may be present that will not be under your control.

**Contact Information**

**Organisation/Company**

**Responsible person/invoice contact details**

Name:  
Mobile phone:  
Land line:  
Postal address:

Email address:

CHECKLIST for information to be submitted:

- Flight Plan
- CAA Licence (if applicable)
- CAA Permission (if applicable)
- Public Liability Insurance
- Risk assessment / method statement
- Fee of £100.00 – applicant will be invoiced

This form should be completed and submitted to the address noted below.

### Appendix 3: Night Filming

These guidelines are for filmmakers wishing to film or undertake filming-related activity outside social hours in residential and commercial areas in Edinburgh.

Unsocial or 'night filming' refers to any filming activities taking place between 23:00 and 07:00.

The key to successful working outside social hours is effective consultation with those people affected by the work. Therefore when considering night filming in residential and commercial areas it is essential to consult with local residents and businesses in the planning process and adequate time must be allowed for this. Any planned noise in anti-social hours, including the lowering of crane arms, needs to be time-specific and local residents/businesses notified as such.

Residents who have legitimate objections can result in your application being declined. In addition, residents and traders who are left inconvenienced and disgruntled following a shoot may result in an area becoming difficult to film in the future.

Depending on the nature of filming and/or location, CEC 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 circumstances when filming takes place in residential and business areas.

Therefore in all instances, CEC via Film Edinburgh must be fully briefed and informed in advance, working to the following guidelines and best practice:

- Any activity outside of social hours, 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 CEC / Film Edinburgh can result in the termination of filming at that location and withdrawal of any permits or traffic orders obtained. Therefore it is advisable to film all scenes requiring noise above conversational level before 22:00.
- Filming in residential areas should be finished and de-rigged no later than 23:00, unless prior permission has been granted by CEC and the residents have been consulted and no objections have been received.
- Noise should be kept to a minimum.
- All options should be explored to keep noise from generators to a minimum including baffling and the use of super-silent generators, which should be sensitively located.
- In instances where de-rigging of noisy equipment or heavy vehicles cannot be removed silently at the end of filming, they must be left in place and attended overnight by security staff. Should this happen, Film Edinburgh must be informed.
- Technical vehicles must be parked in sensible locations which will not disturb residents.
- All crew should use covert kits with their walkie-talkies.
- Earplugs should be made available to residents and traders if requested.
- Black out material should be made available to residents and traders if required, and the production company should make staff available to assist those residents that are not able to put up or take down the blackout material.
- The production company should be prepared to take immediate action if complaints about noise or lighting in antisocial hours are received.



