

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Location Filming in Suffolk	
Report No:	CAB/SE/16/067	
Report to and date:	Cabinet	8 December 2016
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Purpose of report:	To delegate authority to Film Fixer Ltd (Trading as Screen Suffolk) to issue permissions to filming companies to film on Council property.	
Recommendation:	It is <u>RECOMMENDED</u> that delegated authority is granted to Film Fixer Ltd (trading as Screen Suffolk) to issue permissions for filming in West Suffolk and to collect film fees for activity on Council land and premises on behalf of Forest Heath District Council and St Edmundsbury Borough Council, as detailed in Report No: CAB/SE/16/067.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input checked="" type="checkbox"/> No, it is not a Key Decision - <input type="checkbox"/> (a) <i>A key decision means an executive decision, which pending any further guidance from the Secretary of State, is likely to:</i>	

	(i) <i>Be significant in terms of its effects on communities living or working in an area in the Borough/District.</i>		
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:	In addition to the wider consultation (<i>Suffolk Film Plan: A film, TV and broadcast media hub for Suffolk, 2015</i>) the Screen Suffolk proposal has been shared and discussed with Council services. Feedback has been positive and staff are keen to work with Screen Suffolk.		
Alternative option(s):	To retain control of permissions to filming companies without Screen Suffolk.		
Implications:			
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Screen Suffolk will ensure that neither Council is financially worse off as a result of this new arrangement. 		
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Screen Suffolk will liaise with a single point of contact. 		
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Please see main report 		
<i>Are there any equality implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Unsuitable filming on council premises	High	Close liaison with Screen Suffolk regarding enquiries	Low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	

Documents attached:

Appendix 1 - Screen Suffolk Film Partnership
Appendix 2 - Draft Screen Suffolk Best Practice Guide for local councils

1. Introduction

- 1.1 Suffolk Public Sector Leaders at their March 2016 meeting agreed the following recommendations:
- i. *Agree that Suffolk commits to becoming a 'Film Friendly' county where the screen industries are valued and filming is made as easy as possible. Ask officers to co-ordinate their approach and develop protocols to cover filming in public spaces and on publicly- owned land;*
 - ii. *Agree the proposal to establish a Suffolk Film Office;*
 - iii. *Approve the request to SPSL from the Screen Industries Steering Group to commit £170,000 over two years from pooled Business rates to fund the Suffolk Film Office in 2016/17 and 2017/18;*
 - iv. *Delegate to Chief Executives authority to commit up to a further £50,000 from pooled Business rates to fund the Suffolk Film Office in 2016/17 and 2017/18.*
- 1.2 A procurement exercise took place and in August 2016 the film office (*Screen Suffolk*) contract was awarded to Film Fixer Ltd by Suffolk County Council. Film Fixer is a location service with extensive experience in the sector. For example, the company already acts as the film office for twenty three London boroughs, where it trades under the names of the respective councils. In delivering the Suffolk contract, Film Fixer Ltd will trade as *Screen Suffolk*.
- 1.3 Work has now begun in earnest to deliver the contract. A *Screen Suffolk* website is being set up, a locations library of council owned property is being put together and a brand identity has been created.

2. Current Position in West Suffolk

- 2.1 Currently there is no set process for handling film enquiries in West Suffolk. Any enquires are typically received by Corporate Communications which are then directed to the relevant service which is usually Leisure and Heritage who are responsible for locations that historically have been used for filming purposes, such as West Stow, Abbey Gardens and Nowton Park.

3. Delegation of Authority to Film Fixer Ltd

- 3.1 At present each district in Suffolk has its own process for granting permissions to film on council land. This is confusing for location managers who are not familiar with council boundaries and faced with a plethora of different permissions processes and fee structures across the county.
- 3.2 As referenced above (in 1.1), it has been agreed in principle that Suffolk authorities will adopt a common process for granting permissions for filming in the county on council- owned land and premises and that Film Fixer Ltd will administer this process through its existing online service. Before work can begin on this part of the contract, each district is required to delegate authority to the company to act as its agent for the issue of filming permissions. Similar action is required by Suffolk County Council in respect of the delegation of highways closure permissions.

- 3.3 This delegation of authority to Film Fixer only applies to the district, borough and county councils in Suffolk. Where a company wishes to film on land or premises owned by Town and Parish Councils they will continue to negotiate these arrangements separately with the relevant town and parish councils as they have done previously.

4. Financial and Governance Implications

- 4.1 Charges for film services are made under Section 63 of the Local Government Act 2003 which empowers the council to recover the cost of discretionary services. Fees are charged on a cost-recovery basis and the income arising does not exceed the cost of providing the service. Forest Heath District Council and St Edmundsbury Borough Council currently handle film licences through the Leisure and Culture, Economic Development and Communications services.

- 4.2 At present, annual income from filming on council land is low, typically less than a thousand pounds per authority. The delegation of authority for film permissions to Film Fixer Ltd will result in a net growth in income to councils across Suffolk. Film Fixer Ltd aims to grow the number of filming days in the county from fewer than 50 in 2015/16 to 300 by 2018/19 and there will be a commensurate increase in location fees into district councils. This would bring £7,500,000 of spend to the local economy in each subsequent year (this is based on £25,000 per day; Creative England states an average £17,000-£32,000 is spent locally per day of filming).

- 4.3 Film Fixer Ltd will collect fees on all location filming across Suffolk on a cost-recovery basis and on each occasion will retain 50% as its share of the fee to cover operating expenses in respect of the shoot. The remaining 50% of the film fee will be credited to the relevant district council. It is important to note that the 50% retained by Film Fixer Ltd is not a commission: Film Fixer will support the location filming from the beginning to the end of the process - visiting sites where necessary, being present at larger shoots and making all necessary arrangements - and it will thereby incur costs. This role would have previously been performed by council officers and included in the location fee.

5. Risks

- 5.1 There is a risk that the nature of certain filming could be considered questionable or inappropriate. There would need to be a clear route of communication between Screen Suffolk and the Film Champion representative at West Suffolk to ensure that the Council is aware of any potentially damaging or politically sensitive filming enquiries.

6. Recommendation

- 6.1 That delegated authority is granted to Film Fixer Ltd (trading as Screen Suffolk) to issue permissions for filming in West Suffolk and to collect film fees for activity on council land and premises on behalf of Forest Heath District Council and St Edmundsbury Borough Council.

Screen Suffolk Film Partnership

The Screen Suffolk Film Partnership aims to promote Suffolk as the most film friendly County in the UK. We believe that the Film industry will respond, if we create the right conditions. If we succeed in attracting inward investment, there are considerable benefits to be gained, but before we can claim to be “Film Friendly” we have to earn our reputation.

What the film industry wants from Screen Suffolk

- Short lead in times, efficient permitting process
- Reasonable fees, and a transparent charging policy
- Accessible locations – assumed consent
- Photogenic locations, amazing skies and good weather
- Access to local, professional crew and facilities

What local residents want from Screen Suffolk

- Minimal disruption
- Job opportunities and career development
- Training for young people looking for a start in the film business
- Increased production spend in Suffolk
- Increased visibility and associated film tourism
- Feel good factor

The Partnership Pledge

- **Screen Suffolk** will strive to ensure that the partnership is able to work together as an effective body and that the lines of communication between all partners remain open.
- **The local authorities, agencies and public bodies of Suffolk**, pledge to make Suffolk a film friendly County by working within the Screen Suffolk Best Practice Guide.
- **The Creative Industries** agree to abide by the Screen Suffolk Filming Guidelines, in addition to the legal requirements imposed on filming.

The Suffolk Filming Partnership as a whole agrees to:

- Act in a professional, honest and open manner in all our communications.
- Be flexible in our approach.
- Be accountable for our own actions.
- Understand the needs of others members of the partnership.

Key Stakeholder Actions

Screen Suffolk will:

- Be the main point of contact for all filming in Suffolk in order to minimise administration and deliver a timely, consistent, first class service to the creative industries.
- Ensure the county's offer in terms of locations, crews and facilities receives maximum exposure.
- Work with local authorities and location owners on filming requests
- Ensure that film crews are covered by at least £5 million Public Liability Insurance
- Ensure that productions inform local businesses and residents when any filming may cause disruption e.g. traffic management. Production letters are to include contact details of Screen Suffolk.
- Identify potentially problematic shoots, e.g. stunts, and make the relevant authorities aware in a timely fashion. Seek permission from production companies to initiate and co-ordinate PR opportunities, including credits, arising from any significant filming in the county, particularly during the time of first release.
- Collate data from all the partnership organisations and visiting production companies regarding filming activity and production spend in the county for the purposes of providing statistical information to funding agencies and government reports, enhancing Suffolk's standing in the film industry and encouraging support from the private sector.
- Offer support and advice to local and private bodies within the partnership
- Act as a go-between for creative industries and private and public bodies in case of dispute.

The Local Authorities, and Agencies of Suffolk acknowledge that working together within the partnership will ensure the maximum benefits to Suffolk in terms of attracting and managing filming. They will:

- Support Screen Suffolk to become the first point of call for all productions wishing to film in Suffolk, and to follow the Screen Suffolk Best Practice Guide.
- Adopt film friendly policies, recognising that film companies do not have long preparation times.
- Fully commit to, actively encourage and support the creative industries in Suffolk.
- Communicate effectively with the partners.
- Recommend suitable locations in their area to be put forward for a location brief.
- Provide relevant data and information to Screen Suffolk.
- Adopt common fee structure, film licences and traffic management protocols
- Maintain confidentiality regarding filming in the region where appropriate.
- Allow the partnership to share in PR opportunities whenever possible.

Film Makers working in Suffolk will be asked to abide by the "Screen Suffolk Filming Guidelines" which sets out how we expect film makers to behave.

- To keep Screen Suffolk informed throughout the production process.

- To behave with consideration for residents and businesses affected by filming.
- To know and follow the law, especially with regard to H&S, traffic regulations and employment.
- As far as possible to use local suppliers and facilities.
- To supply data and information about filming to help improve the service.
- To work with Screen Suffolk to promote filming in the County
- When appropriate to offer screen credits to Screen Suffolk, and any locations, suppliers and crew who have assisted on the production.

If you are a production company, an agency, facilities company or have a location based in Suffolk and would like to join the Suffolk Filming Partnership; please digitally sign a copy of the Screen Suffolk Filming Partnership [here](#) and email a jpeg of your logo to: Partnership@screensuffolk.com

DRAFT SCREEN SUFFOLK BEST PRACTICE GUIDE

Contents:

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1. Introduction

Suffolk wants to increase film activity taking place in the county. To this end, Suffolk local authorities have engaged FilmFixer Ltd to create and manage “Screen Suffolk”. FilmFixer has extensive experience managing film offices on behalf of local authorities.

FilmFixer, trading as Screen Suffolk, aims to establish a “Screen Suffolk Partnership” between all film related stakeholders in the county. The stakeholders will be from the following sectors:

- a) Film industry (film production companies, crew, facility and service companies)
- b) Agencies and organisations (such as the Police, RSPB, National Trust and others)
- c) Suffolk County Council and the seven District Councils, (represented by FilmFixer Ltd trading as Screen Suffolk).

In order to get the partnership underway, our first task is to set out the way we will work with and represent the district and local councils. We aim to do so by working with the councils to agree a “best practice guide.

2. Scope of the Best Practice Guide

The aim of this document is to establish best practice guidance for the local authorities and FilmFixer (trading as Screen Suffolk). We will set out the different roles and expectations, and agree to standards for issuing film permits, traffic control etc. The best practice guidance will eventually form part of the Screen Suffolk Partnership Agreement. It draws on existing good practice in responding to and supporting filming in Suffolk. It will be a “living” document, as it will grow and develop as the service grows and develops.

3. Suffolk is open for business – assumed consent

Film Makers are risk averse; they tend to go to locations where they know that permission will be granted. There is nothing worse than showing the perfect location to the director, then discovering (much too late in the day) that the location is unavailable for whatever reason.

Experienced location managers simply do not show a location to the director until they know it is available. This means that any delay in finding out availability may prevent a perfect location being put forward.

Screen Suffolk would like to establish a “presumption of consent”, for locations we offer up. We need to know exactly who is happy to be notified (i.e. told, not asked) about filming, and who has to be contacted in advance to give prior consent.

We aim to get to a position where the district and county council will “delegate powers” to Screen Suffolk, allowing us to grant written licences to film to film companies without undergoing lengthy delays while further third party consent is being sought.

4. Role of Screen Suffolk

Screen Suffolk will act a one stop service to film-makers, issuing permits, co-ordinating advice and offering support to productions wanting to film in the county. Specific roles will include coordination of on on-and off-street parking, liaison with Police, use of highways, traffic control and road closure notices, and the supply of specific licences for allowing obstructions on the highway.

It is crucial for Screen Suffolk to make its role clear to the partnership, ensuring that stakeholders understand that Screen Suffolk are acting to support their commercial interests.

Screen Suffolk personnel will understand and follow the Screen Suffolk Partnership Agreement, making sure that film companies working in the county are aware of their responsibilities under the agreement, as well as under the law. Our role will be to highlight health and safety issues, risk assessments in a film context, highways and traffic management and the various elements of legislation relevant to filming. We will:

- a. Represent the county council and district councils as their film service provider
- b. Facilitate positive publicity and awareness-raising about the value of filming to Suffolk's economic, social and cultural wellbeing;
- c. Act as a sign-post for locations in Suffolk
- d. Work with stakeholders to identify resources for supporting filming, for instance in identifying and applying for training grants and other potential resources;
- e. Facilitate a range of forums for discussion and development of best practice;
- f. Manage a self-regulated mediation process for disputes arising between film-makers and location owners, agencies and other stakeholders;
- g. Provide analysis of data supplied by FilmApp, our online application process, in order to understand the wider picture of filming in Suffolk.
- h. Developing and coordinating training and professional development for film industry professionals in the County.

5. Role of the District Council

Each District Council should:

- a. Appoint a "film champion" to meet with Screen Suffolk and to act as the point of contact.
- b. Agree to establish a common framework for filming, addressing permits, fees and lead in times.
- c. Work with Screen Suffolk to establish quick and efficient processes for licencing film related traffic management, use of film equipment on the highway, parking and agreements to film on council property.
- d. Help Screen Suffolk gain access to council owned locations
- e. Use the councils internal and external communications network to publicise the work of Screen Suffolk, and spread positive publicity about the values of filming.

6. Role of Suffolk County Council

The County Council should:

- a. Assist Screen Suffolk's efforts to establish the film partnership
- b. Act as trouble-shooter when Screen Suffolk encounter obstruction
- c. Work with Screen Suffolk to establish quick and efficient processes for licencing film related traffic management, use of film equipment on the highway, parking and agreements to film on council property.
- d. Help Screen Suffolk gain access to council owned locations
- e. Use the council's internal and external communications network to publicise the work of Screen Suffolk, and spread positive publicity about the values of filming.

7. Role of the Location Manager:

Location Managers working in Suffolk should:

- a. Be the main point of contact with Screen Suffolk, residents and businesses
- b. Make agreements with Screen Suffolk and location owners on matters affecting filming at specific locations
- c. Make sure that residents and businesses are kept informed about any filming activity that may affect them.
- d. Manage the shoot on the day, always aiming to minimise disruption.
- e. Feedback information about the production and about their experience to Screen Suffolk

8. Role of Location Owner:

The Owners of Locations in Suffolk should:

- a. Be prepared to show Location managers around the location at short notice, and for no fees.
- b. Allow filming to take place in good faith, understanding the requirements of the film company.
- c. Allow their contact phone number, or the contact phone number of their registered agent to be displayed on the Screen Suffolk website.

9. Provision of information about filming

Screen Suffolk will be the sole central repository of information about filming. All requests for information should be channelled through Screen Suffolk, so that filming is coordinated correctly.

10. Parking

- a. Parking charges should be applied to film productions at the same rate as any other business or individual requesting suspensions and dispensations.
- b. Income from parking will be collected by Screen Suffolk and passed on the relevant council quarterly.
- c. Screen Suffolk will make an additional administration charge for assisting film productions in applying for and managing parking.
- d. Film productions should apply for all parking via Screen Suffolk, if the council receives a parking request from a production, they should be redirected to Screen Suffolk

11. Traffic management, road closures and the need to control traffic

Screen Suffolk should be the first port of call for Location Managers and Producers wishing to film on the public highway, or make changes to signage, road markings or street furniture. Screen Suffolk will co-ordinate all requests, making sure that the closure or alterations are carried out in such a way as to minimise any disruption to the road network. In particular, Screen Suffolk will coordinate with the relevant council's Traffic Manager to ensure that there are no other planned obstructions, such as street works, on that site and that the legal requirements of the Network Management Duty are maintained.

Any obstruction on the public highway must have the express permission, issued by Screen Suffolk who will licence (with permission of the council) specific film related equipment such as scaffolding, cranes, and tracking. Each location and production will be unique in its requirements.

A Technical Recce with all the concerned parties should be held in good time where details can be discussed on site, and agreement reached about what can and cannot be done.

The current legislation on road closures for filming is unclear, councils use different legislation, depending on their interpretation of the Road Traffic Act 1984. Most councils use a Temporary Traffic Regulation Notice (TTRN) or order (TTRO) under section 16a (certain events) or section 14 (works). Kent, Hertfordshire, Buckinghamshire have sponsored private bills which allow road closures to be carried out specifically for filming. Creative England has been lobbying government to clarify the law, there was a bill put before parliament in 2014, which has not yet passed.

12. Handling of complaints

Film related complaints should be handled by Screen Suffolk in the first instance. If a complaint is received by the council, then Screen Suffolk should be informed and offered the opportunity to respond. If the complainant is not satisfied, they will be offered the opportunity to complain using the council's formal complaints procedure.

Screen Suffolk will do all it can to resolve the complaint, at the time it is received, but from time to time, complaints may have to be escalated. In any event, the complaint, and any action taken to resolve the complaint will be recorded.

13. Review and development of this guide

We will be using this guide to help us establish a working relationship between Screen Suffolk and the councils. We will make amendments to the best practice guide when appropriate.

Screen Suffolk aims to hold quarterly monitoring meetings with the councils, and revisions to this document will form an agenda item at these meetings.

14. Fees and Charges

- a. Section 93 of the Local Government Act 2003 permits Local Authorities to charge for "discretionary services". Supporting filmmakers and film productions is considered a discretionary service. For the purposes of this document, this charge has been called the Film Service Charge.
- b. The level of the Film Service Charge has to be on a "cost recovery" basis only. The income arising from the Film Service Charge must not exceed the cost of the provision of the Film Service.
- c. Local Authorities are empowered to set charges as they see fit and may charge different persons different amounts or only charge some persons for the provision of the service.
- d. Screen Suffolk will provide a "menu" of services for which the Film Service Charge may apply:
 - i) Location searches and scouting
 - ii) Location hire fees (for council owned properties)
 - iii) Parking suspension fees
 - iv) Temp structure agreement (use of film equipment on the highways)
 - v) Site Visits
 - vi) Negotiating / producing contracts
 - vii) Liaising with the local community
 - viii) Liaising with other Council departments on behalf of the film production
 - ix) Liaising with external agencies including emergency services

- x) Arranging parking suspensions and dispensations.
 - xi) Arranging parking on uncontrolled highways
 - xii) Provision of TTRO and TTRN for filming on public highways
 - xiii) Health and safety advice and monitoring
 - xiv) Monitoring location filming
 - xv) Reinstatement checks
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- e. Screen Suffolk will adopt a “price list” – which will be posted on the screen Suffolk website so that the level of charges are freely available to anyone who wishes to view them.
 - f. On receiving an application from a film producer Screen Suffolk will present an estimate of charges. The film producer should be informed of any change to the charge as the planning process progresses.
 - g. Parking charges should be levied at the same rate as any other customer
 - h. Council Owned Locations such as parks, housing estates, town halls and offices etc will be charged for at a commercial rate, to be determined by Screen Suffolk.