



Mossel Bay Municipal

Film Policy and Protocol

Planning & Economic
Development

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1. Policy Context

1.1 Introduction

The Municipality of Mossel Bay's Economic Development and Tourism Directorate (ED&T) prepared an initial draft of this policy. This Draft Policy will be advertised for public comment in September 2019.

1.2 Objectives

Film production in Mossel Bay is a growing business and is an industry with significant benefits for the Municipality. This simultaneously also increases its potential impacts on communities and the Municipality in general, thereby raising the possibility of conflict if filming is not conducted in a responsible manner. Hence, the necessity for the formulation of a policy to govern filming-related activities in Mossel Bay. Such a policy aims to ensure film-friendly regulatory practices and that the impact of filming is positive.

- I. To act as a framework to assist Council in carrying out its statutory duties to protect the environment and represent the interests of local communities, while also realising the economic benefits of filming.
- II. To clearly establish the roles and responsibilities of the Municipality of Mossel Bay (MBM), the Garden Route Film Office (GRFO), the film industry and associated role-players, and the public.
- III. To disseminate information to the industry and the public on the proposed types of approvals required for location filming, the approval process and requirements.

1.3 The role of filming in Mossel Bay

The economic benefits of filming activities to the local economy should not be understated or underestimated. It is a dynamic, high growth industry impacting on Mossel Bay in ways that few other industries can match.

- The highly competitive and global nature of the industry requires that every attempt should be made to maintain comparative advantage. The loss of business to other cities and countries impacts on Mossel Bay not only the industry. As is the case with tourism, filming is (or should be) "everyone's business".

1.4 Relationships between role players

Public authorities, community and filmmakers will inevitably have fundamentally different perspectives as to the approach and effect of activities relating to filmmaking on the environment and community. In the interests of achieving a 'film-friendly' environment, it is vital to achieve a balance between the interests of all stakeholders.

1.5 Management of the film industry

Location filming cannot be easily characterised. The requirements of each film shoot will vary in many ways. Any attempt to manage the activities of the industry must accommodate this diversity.

- Critical aspects of the film making process include the need for flexibility; fast turnaround times; and 24-hour, seven-day week filming opportunities. Thus, a large component of being film-friendly involves efficiency and timeliness. Other factors include consistent standards and requirements and access to experienced staff in the film permitting process.
- The international nature of the industry means it is aware of international norms and practices and Mossel Bay are constantly being compared to other competitor locations. Therefore, it is vital that management of the industry is guided by international best practice, and that permitting authorities and individuals involved in promoting or managing the industry are thoroughly versed in the film industry.
- Most of the negative impacts of filming activities are short term in nature. However, some negative impacts, particularly environmental, have the potential to have long-term implications. Management of these impacts is critical, as is monitoring of these impacts, especially in those filming 'hot spots' where cumulative impact is greatest.
- There is a need for the industry to put in place their own standards, training programmes and practices for location filming to help ensure good environmental stewardship and positive community relationships (although sections within the industry do already put effort into these aspects).
- Accurate and up-to-date statistics on the industry are not compiled on a regular basis. If Mossel Bay is to understand and monitor the economic and other impacts on the Municipality, it requires a more consistent database for decision-making.

1.6 Mossel Bay Film Permitting: Organisational Structure

The lack of integration of all aspects of the management of the film industry (except for tariffs) has limited the extent to which an efficient, uniform, streamlined service can be provided. Additionally, there is no common 'home' Department responsible for the management of Council's operation with respect to managing the film industry. This hampers attempts to coordinate activities, limits 'bottom-line' responsibility and makes the tracking of income, expenditure and statistics very difficult.

- The management of the Mossel Bay Film Permit Office (MBPO) by the GRFO, albeit temporary, has limited the extent to which the GRFO can fulfil its mandate and has led to perceptions that the GRFO is too closely aligned to the issuing of film permits in the Municipality.

1.7 Mossel Bay Film Permitting processes and requirements

The policy to be adopted to guide the MBM in its approach to all matters pertaining to filming in Mossel Bay. This policy is then developed in two respects. Firstly, a few proposals are made with respect to organisational structure and workplace practices that are intended to address the structural problems identified in analysis. Secondly, a few protocols (or principles) are suggested, which are intended to provide the basis for decision-making and the development of more detailed, operational systems and

procedures. These proposals have all been developed regarding an international precedent study.

2. Land Use Zoning

Film shoots are accommodated in the Mossel Bay Municipality: Integrated Zoning Scheme By-Law, 2018 under "Occasional use". Occasional use is a primary use right under various zones as stipulated in the Use Zones Table of the said By-law. Depending on the scale and nature of an occasional use, permission from relevant department(s) within the Municipality will still be required even though occasional use is a primary use right under a zone. If an occasional use is not a primary use right under a zone an application for an occasional use will be required in terms of section 15(2)(p) of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2015.

3. Municipality of Mossel Bay Film Policy and Protocol

The development of consistent and coordinated policy, protocol and procedure would improve Council's ability to both facilitate and manage the industry and has the greater potential to align with the requirements of both the community and the film industry.

Through establishing an overall Municipality-wide framework that clearly sets the 'rules of the game' i.e. clear policy and protocols, location sensitivities identified, decision-making transparent and impacts effectively monitored, the Municipality will be able to more effectively manage the activities of filming with due regard to local community concerns.

4. Location Filming in the Municipality of Mossel Bay

The Municipality of Mossel Bay recognises the valuable contribution of filming to the economic and cultural environment of Mossel Bay and aims to facilitate a sustainable, film-friendly environment in all interactions with the industry. The Municipality commits itself to ensuring the responsible use of public resources and the maintenance of community amenity in this respect. In this way, mutually beneficial outcomes are achieved. Regular monitoring and feedback is considered an essential component of this collaboration.

The Municipality of Mossel Bay commits itself to continual striving for best practice, international standards and competitive pricing in the promotion and regulation of the film industry, and to transparency of operation. We subscribe to an approach that regards filming as 'everyone's business'.

6.1 Distinguishing between roles and responsibilities

There are numerous authorities involved in the regulation of filming throughout the Municipality. Given that the MBM is already co-funding the GRFO, it is suggested that the MBM concentrate on the delivery of an efficient, streamlined and generally accepted regulatory service (albeit one that is facilitative in approach and practice) and that the GRFO be freed up to undertake more general promotional activities. In addition, as the film industry is a key economic growth sector for the Municipality and region, it is proposed that the MBM through its facilitative approach and practice to ensure that an enabling environment is provided for the sector; that the sector is

supported in line with the Council's sector support strategy and approach and that the key cross-sector linkages are made (especially to Tourism). It is therefore proposed that:

- MBM will also facilitate the process to ensure that a positive enabling environment is provided for the film sector; that the sector is supported in line with Council's sector support strategy and that key cross-sector linkages are made (especially to Tourism).
- The mandate of the GRFO to promote Mossel Bay and the Garden Route as a premier film destination be re-affirmed and that it be resourced and supported to effectively undertake such a mandate. More specifically, the GRFO should be relieved of its care-taking responsibility for the Mossel Bay Film Permit Office (MBFPO) as soon as possible.
- The GRFO be required to initiate regular discussions with all permitting authorities or their agents, the industry and community in order to develop and monitor a coherent strategy, protocols and a uniform approach to location film permitting in Mossel Bay. Issues of empowerment and employment equity in the film industry require on-going attention.

6.2 Organisational structure

Analysis indicates that some of the impediments to delivering an efficient, film-friendly service in the permitting of location filming are structural or organisational. Filming proposals often require a significant use of Council resources and impact across a range of Council functions. Internal uniformity, communication and co-operation are necessary in the first instance before an effective service can be delivered.

6.2.1 Consolidation of film regulation activities

It is commonly accepted amongst most role-players (and supported by precedent) that all would benefit from a well-run "one-stop-shop" film permitting unit within the MBM (and there have been partial attempts made in this regard with the establishment of the MBFPO). Given the range of Departments involved in permitting or servicing the industry, one point of contact with the industry (and for the affected communities), with close working relationships between the Departments involved is a model that works well.

6.2.2 Appointment of a Film Permitting Coordinator

Council to appoint an official responsible for the management of filming approvals which also includes the day-to-day operations of the permitting office. The Film Permitting Coordinator should drive policy and procedure change initiatives, tariff reviews, communications and links with the GRFO. Experience indicates that it is not possible to effectively manage Council's interests in this regard unless there are no additional, unrelated responsibilities allocated to the post. Ideally, familiarity with the film process and internal and external role-players should be an important component of holding the post.

6.2.3 Service Delivery

Provided a Film Permitting Coordinator is appointed and operating effectively, it also falls well within Council's job creation and skills development strategies.

- The Film Permitting Coordinator be tasked to appoint a Permit Officer who will liaise with internal and external stakeholders and ensure that service delivery objectives are met.

- Service delivery objectives include 24-hour, seven-day week availability; face-to-face contact; reasonable turn-around times for processing permits; and staff who have a good understanding of the issues involved and the most commonly used locations.

6.3 Approvals Required

For the purposes of this Policy, filming can be defined as the recording of images, moving or still, whether on film or video tape, or electronically, or by other means for exhibition or broadcast purposes, such as by cinema, television, the Internet or other means. It does not include the video recording of a wedding ceremony or other private celebration or event for making a record thereof for its participants, or the recording of current affairs or news for immediate release. For the purposes of the issuing of permits, it does include student projects.

6.3.1 Delegations

Appropriate delegations are important to achieve time and resource efficient service delivery, at a minimum, officials responsible for public space and traffic management should have delegated authority to make decisions on the use of parks, beaches and roads (including temporary road closures) by filming activities. Ideally, delegation must be given to the Film Permitting Coordinator to make such decisions should be given to reduce the extent of Inter-departmental approvals necessary for low impact film activities. Delegations to Film Permitting Coordinators to approve filming applications relating to:

- the use of public places for short periods of time — say one day in length that do not involve exclusion of the public or the erection of structures other than small tents or marquees;
- temporary traffic control on minor roads and setting aside normal parking restrictions; and
- these powers could be extended to more complex applications once training, and policy criteria are in place. However, notification procedures to Departments are critical. The criteria for approval also then become important to ensure transparency and accountability of decision-making.

6.3.2 Land Use Approval

Film shoots are accommodated in the Mossel Bay Municipality: Integrated Zoning Scheme By-Law, 2018 under “Occasional use”. Occasional use is a primary use right under various zones as stipulated in the Use Zones Table of the said By-law. Depending on the scale and nature of an occasional use, permission from relevant department(s) within the Municipality will still be required even though occasional use is a primary use right under a particular zone. If an occasional use is not a primary use right under a particular zone an application for an occasional use will be required in terms of section 15(2)(p) of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2015.

6.3.3 Assessment of Permit Applications

It is important that Council clarify the permissions required for the various common filming activities and indicate which permissions can be granted through the film location permit

system and which require additional applications (and to whom). These include, but are not limited to:

- Filming on a local public road where no stopping of traffic is required and with stopping of traffic
- Filming near high and low voltage power lines
- Filming on beach and dune areas (Regulations for controlling vehicles in a coastal zone)
- Filming on water (sea, rivers, harbours)
- Filming in a nature reserve
- Filming in a national park (including Kirstenbosch Botanical Gardens) or other areas outside the jurisdiction of the MBM
- Filming in a museum
- Construction of sets/structures
- Use of fauna and flora
- Use of aircraft, including helicopters
- Use of firearms
- Fires, fireworks, pyrotechnics, smoke effects

The necessity for approvals from other organisations/bodies renders the application process cumbersome and expensive for the industry and it is hoped that the GRFO and MBPO to coordinate:

- a) Clarification of the range of approvals which may be required for film activities and which are part of the Council film location permit process.
- b) A list of the range of approvals that may be required from other Government Departments or Authorities.
- c) A list of 'hotspot' locations that are potentially sensitive from an environmental, cultural or historical perspective and which may require conditional filming and monitoring.

6.4 Protocols

The 3 Protocols that follow below are to be adopted and read and are intended to provide the overall principles of best practice to guide the day-to-day operations of film permitting. It will be necessary to translate them into implementation tools in the Operations Manual and elsewhere. It is therefore recommended that

- The MBM adopt the Protocols outlined in this report as the basis to guide the day-to-day operations of film permitting.

6.4.1 Impact Criteria

In assessing a permit application, through a system of assessing the overall impact of the proposed agreed shoot, but not mutually exclusive indicators. These include:

a) Scale of Shoots

The impact of productions can in part be determined by the scale or size of the shoot. Generally this relates to the number of people (cast and crew) and/or vehicles involved. The following scale determinations will be applied in the Municipality's tariff structure and conform to generally accepted impact indicators — the bigger the shoot, the larger the impact. It should be noted that the City of Cape Town Film Office uses similar distinctions.

Micro shoot	1— 3 vehicles & 8 or less people
Small shoot	4— 6 vehicles & 9 -15 people
Medium shoot	7—15 vehicles & 16 - 30 people
Large shoot	16— 30 vehicles & 31- 60 people
Very large shoot	More than 31 vehicles &/or more than 60 people

b) Complexity of Shoots

Shoots that involve the following aspects can be expected to have a greater impact on the public use of the surrounding area and require more time to assess as specialist input from specific departments is required:

- Closure of a lane or the entire road; and
- Use of pyrotechnics, stunts and/or special effects

Thus, the amount of Council resources required to issue and manage any approvals granted and any Council services supplied as a function of granting that approval should be considered in the determination of impact

c) Location

The location may influence impact.

- Environmental, historical and cultural sensitivities: the condition of the location concerned needs to be taken into consideration in the assessment of the permit application, with concern to be placed on environmentally sensitive areas such as beaches and dunes, as well as historically and culturally significant areas within the Municipality.
- Community: community use of the location influences the extent to which impacts can be considered to occur. The number and extent of community in the immediate vicinity also influence the level of disruption.
- Proximity to residential areas, medical facilities, old age facilities and so on.

d) Time and duration

The time of the day during which filming activity is to take place also influences the extent of impact in residential areas for example, early morning or night shoots will generally have a more significant impact than similar shoots in outdoor locations or business areas. The duration of filming, often related to the scale of a shoot, also influences impact.

Apart from influencing processing timeframes, such a system can be also be used to determine tariffs, the extent and nature of community consultation and the extent of monitoring required.

6.4.2 Application Process

While this policy seeks to establish an acceptable and appropriate framework for the permit approval process.

6.4.2.1 Pre-Application Process

Applicant to register on the Online System and will be approved if compliant. Criteria;

- o Registered Company; and
- o Public Liability.

6.4.2.2 Lodging the Application

Standard application form to be completed online by the production company for proposed location. Permit office to check that the application is complete, and sufficient information is provided. Additional information can be requested if required public notification or consultation has been conducted if required.

Film Permit Office to process application and issue permit, including specification of conditions of approval. Filming and Clean-up Production company should:

- attend to all permit conditions and advise cast and crew thereof. It is imperative that a copy of the permit be available on location always;
- pay all specified fees;
- clean up the site and leave it as it was before the shoot or as agreed and arrange with Council for a site inspection if required.

As the permit allows for a filming activity to occur upon dates or within a timeframe, the permit should be valid for that time only. Filming is vulnerable to changes in weather or other circumstances. Council thus should ensure that management processes provide for some degree of flexibility in responding to requests to amend permit approvals because of such circumstances. A motivated application to amend a permit needs to be submitted for Council's consideration. Council must be satisfied that it is substantially the same as the original proposal and that appropriate additional consultation and/or notification has occurred with any person or authority.

6.5 Conditions of Approval

The assessment of applications must be linked to conditions of approval that manage the identified impacts. Site-specific conditions can then obviously be applied as and when the application demands. The specification of the site for which the permit is granted is important to avoid misunderstandings and over-use of specific locations.

6.5.1 Application Timeframes

Filming is a time constrained activity. The time taken to process permit applications is critical and can be regarded as one of the most critical aspects of the approval process. Delays in the processing of permits can have very serious implications for the costs of the production. It is suggested that, provided no additional approvals are required (such as approvals for filming on roads of Provincial, or exemption from regulations for controlling vehicles in a coastal zone, etc.) timeframes for the submission and processing of permit applications to the MBM be determined based on the type of shoot and impact:

- i. micro- & small-scale, straightforward shoots (do not involve road or lane closures or require public consultation) should be processed within 24 hours or less;
- ii. medium- & large-scale straightforward shoots should be processed within 48 hours;
- iii. complex shoots that will result in a higher level of community impact will require longer timeframes.

Council thus must be able to exercise flexibility and adaptability in dealing with issues as they arise and make provision therefore in the permit approvals.

6.5.2 Consultation or Notification

It is essential that the film production company engage in proper and appropriate communication with the community likely to be affected by the proposed shoot as a means of ensuring effective management of the filming activity. There are two main means by which this can occur:

- Written notification of affected residents and businesses by means of a letter drop, advertisement in the local press or similar.
- Consultation between the residents, businesses and the production company. Council officials must use their discretion in assessing the validity of objections and comments.

6.5.3 Monitoring & Accreditation

It is essential that an effective monitoring system be in place to ensure that there are no adverse environmental impacts because of the shoot and that permit conditions are adhered to. Public complaints or queries relating to the shoot can also be dealt with through systems developed in this regard. Precedent indicates that monitoring of film activity should be compulsory on medium to higher impact shoots, or for shoots in sensitive 'hotspot' areas or as otherwise determined by the Municipality.

At present, monitoring of MBM approved film activities is inconsistent, undertaken by internal film office staff, EDOs (in-house), traffic officers and other law enforcement officers, and is dependent on resource availability. It is important that a system of monitoring is established which is resource efficient, appropriate to the nature of the impact and effective in ensuring compliance.

6.5.4 Tariff Schedule Protocol

Council may charge filmmakers fees for processing permit applications, for services provided in support of location filming and for the use of Council property. Any such fees must however be fair and rationally based. They should also be competitive and attractive to production companies if Council is to pursue a 'film-friendly' policy of facilitation. While it is not the role of this policy to prescribe, or set fees and charges, it is suggested that Council adopt a standard approach to determining tariffs that will result in a degree of clarity and predictability for the industry.

Council should consider the following in establishing a tariff schedule:

- whether Council wishes to promote filming and thus is prepared to set tariffs that cover only part of its costs;
- estimated staff costs;
- if additional inspection/monitoring fees are also required;
- discounts, for example, for applications involving multiple separate shoots;

- lower charges for renewal of or alteration to an existing approval;
- reduced or waiver of fees for productions that meet specified employment equity or empowerment targets, students, non-profit organisations, training and development projects;
- reduced or waiver of fees for international shoots and strategic Joint Marketing productions;
- late-filing fees (a penalty fee if applications are made at very short notice) as a means of encouraging early filing of applications; and
- the distinction in the tariff of: a filming proposal lodgment fee;
- approval fees; and
- additional fees or charges for specific services to be provided by Council.

6.5.5 Code of Conduct Protocol

A Code of Conduct governing the filmmaker's responsibilities and obligations is therefore necessary and should ideally be formulated in conjunction with the industry and community. A distinction however must be made between those aspects over which MBM has jurisdiction and those that GRFO wishes to develop to improve relationships and the operations of the industry.

The permit approval conditions will cover all aspects of conduct over which the municipality has jurisdiction.

7 THE WAY FORWARD

The recommendations, policies and protocols outlined in this policy are accepted, it is recognised that considerable effort and resources are required to implement them.

- i. Appointment of a Film Permitting Coordinator whose responsibility is the management of the film approvals process and all related activity;
- ii. Appointment of a Film Office Permit officer with the responsibility to approve registration of film companies before the application process starts and then issue permits after the internal process is completed;
- iii. Tasking the Film Permitting Coordinator with the responsibility for developing and negotiating detailed proposals for a consolidated 'single entry point' permitting unit for the management of film activities; and
- iv. Council must take such steps as are reasonably practical to bring the Film Policy and Protocol and the existence of any relevant regulations to the notice of any person who lodges or whom the Council knows to be intending to lodge a film permit application. It is imperative that the film industry understands the information needs of Council so that proper and timely consideration can be given to permit applications.