



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

City of Cape Town Draft Film Policy

2021

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DEFINITIONS

For the purposes of this policy, except where clearly indicated otherwise, the words and expressions set out below have the following meaning:

Term	Definition
Approved budget	an annual budget which is approved by a Council and includes such an annual budget as revised by an adjustments budget in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
Authorised Official	means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes an employee delegated or designated to carry out or exercise such duties, functions or powers.
By-law	Legislation passed by the council of a municipality which is binding in the municipality on the persons to whom it applies.
City	The City of Cape Town, a Metropolitan Municipality constituted in terms of the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998).
City of Cape Town Departments	City Departments who render services to film including but not limited to Metro Police, Traffic Services, Law Enforcement, Transport, Roads Infrastructure, Planning, Building Development and Management Services.
City Services	All services rendered by the City to film.
Council	The City of Cape Town, a Municipality established by the City of Cape Town Establishment Notice No 479 of 22 September 2000 issued in terms of the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998) or any structure of employee of the City acting in terms of delegated authority.

Term	Definition
Delegation	In relation to a duty includes an instruction to perform the duty. Delegate has a corresponding meaning.
Executive Director	A person appointed by the Council to head a Directorate in the City and shall include any person acting in that position.
Executive Mayor	The person elected in terms of section 55 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998) to be the Executive Mayor of the City and shall include any person acting in that position.
Film industry	The Film industry includes direct film-related services such as pre and post-production, the procurement of cast and crew, set design and construction, equipment hire, cinematography, sound, special effects and editing across the range of feature films, television series, documentaries, commercials, stills photography 'new media', such as animation and interactive computer games. Further, the Film industry also consists of film industry associations and bodies.
Filming	<p>Includes:</p> <ul style="list-style-type: none"> <li data-bbox="667 1317 1422 1738">(i) the preparation of a property for the recording of sound and images as well as the recording of sound and images moving or still, whether on film or by video tape, electronically or by any other means and includes all activities related to the filming location where there is an impact on public property, which may require the services of the City or may have any adverse implications for public safety, the environment and local communities. <li data-bbox="667 1771 1422 1951">(ii) student film projects where there is an impact on public property, which may require the services of the City or may have any adverse implications for public safety, the environment and local communities,

Term	Definition
	<p>(iii) the recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for the creation or sharing of information via virtual communities and social networks for commercial gain on public property.</p> <p>but excludes:</p> <p>(iv) filming activity on private property where is no impact on public property, which may not require the services of the City or have any adverse implications for public safety, the environment and local communities - as contemplated in the City's By-law relating to Filming,</p> <p>(v) the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes,</p> <p>(vi) the recording of current affairs or news for immediate broadcast or release;</p> <p>(vii) the recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for personal use where there is no impact on the public or any public amenity.</p> <p>Purpose-built film facilities where there is no impact on the public or any public amenity.</p>
Film Office	<p>The Cape Town Film Office, the unit responsible for promoting Cape Town as a competitive, film business destination, assisting and guiding the City in developing interventions to support the local film industry and creating enabling mechanisms for the purpose of promoting the city through production support and promotional and developmental film initiatives.</p>

Term	Definition
Film Permit Office	The unit responsible for coordinating film permit applications, coordinating the approval and rejection of filming and film-related activities in accordance with the applicable legislation as well as the City's legal and operational requirements and issuing a permit with appropriate conditions.
Film Permit Officer	The head of the City of Cape Town Film Permit Office and any other official delegated by him or her.
Film Shoot	<p>The process or activity of filming, photographing or recording of sound and images for the production of film material or digital media for commercial productions or documentaries. It includes the preparation of property for filming.</p> <p>Film shoots are categorised as follows;</p> <p>Micro Shoot: 1 - 3 vehicles and/or 8 or less cast & crew and duration of 1 day</p> <p>Small Shoot: 4 - 6 vehicles and/or 9 - 15 cast & crew</p> <p>Medium Shoot: 7 - 15 vehicles and/or 16 - 30 cast & crew</p> <p>Large Shoot: 16 - 30 vehicles and/or 30-60 cast & crew</p> <p>Very Large Shoot: 31 or more vehicles and/or 61 or more cast & crew</p>
Locations	Any area or place, used for filming activity. This area or place may be erected or demarcated by temporary or permanent structure.
Location Manager	A member of a film production unit responsible for finding and securing locations to be used, obtaining all necessary approvals and permits, and coordinating the logistics for the production to complete its work.
Mayoral Committee	The committee appointed by the Executive Mayor to assist the Executive Mayor in terms of Section 60 of the Local

Term	Definition
	Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
Person	Includes any sphere of government, natural and juristic person.
Purpose-Built Film Facility	Means a place, facility, or property designed and built or converted for filming activities with all necessary approvals to engage in filming activities and has been approved by the City and registered with the Film Permit Office.
Tariff	means a tariff determined and imposed by the council in terms of the tariff schedule,
Tariff schedule	The City tariff schedule which indicates charges for services rendered and equipment rentals. Tariff schedules are updated annually.
Safety and Security Directorate	A directorate of the City of Cape Town
Film Support Committee	An advisory committee appointed by the Executive Mayor to facilitate the selection of film projects or productions that Council wishes to support as well as to give effect to delegation 13 (1) Part 1 in the system of delegations.
Sub-council	A metropolitan sub-council established by Council in terms of section 62 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with the Subcouncil By-law, 2003 as amended.

ABBREVIATIONS

Abbreviation	Term
CCT	City of Cape Town Municipality
DTI	Department of Trade and Industry
IDP	Integrated Development Plan
NGO	Non-Governmental Organisation
NFVF	National Film and Video Fund
PGWC	Provincial Government of the Western Cape

1. INTRODUCTION

Cape Town is a globally competitive film destination, with local and international filmmakers using its locations, facilities and services. The City has a variety of world-class locations, studios, facilitation companies and specialized crew.

Cape Town has developed a strong global brand and wishes to utilise this strength to develop as a premium film destination to further build the City's brand identity and to achieve City objectives such as economic growth, job creation and social inclusivity.

The Film Strategy 2020 for the City of Cape Town notes the importance of the film industry as a key driver of economic activity for not only the Cape Town economy but for the South African economy as a whole. The Film Strategy 2020 also recognises the City's strategic role as an enabler for the film industry through interventions such as the expansion of the film office, marketing and communications as well as various forms of funding support through a film fund.

2. PROBLEM STATEMENT

Whilst Cape Town has a robust and vibrant film industry, there are still a number of challenges which inhibit the growth and impact of the industry in Cape Town.

In recent years the Cape Town film industry, like many other industries has been negatively impacted by a number of external factors such as increasing global competition coupled with rising production costs, the 2017/18 drought and the Covid-19 pandemic. All of these have brought significant challenges impacting most industries - especially those industries relying on inbound business. These challenges have overtime impacted the attractiveness of Cape Town as a long-haul filming destination. The critical challenge for Cape Town is to successfully reclaim its position as a significant film destination attracting a host of local and international productions, and to harness the extensive film industry value chain and enormous potential within this industry to grow jobs and help build the local economy.

There are a number of additional challenges highlighted below:

- The CCT currently does not offer any film and new media incentives that could attract, drive and support film activity, as well as maximise the economic and other societal benefits that may be derived from increased filming activity in the City.
- In the local film sector there is a need for practical skills development at different employment levels as there is a disconnect between the type of skills and the proficiency levels being delivered by current film sector educational providers and what the film industry actually needs. In order to grow and transform the local industry, there is a need for the City to partner with the industry to grow mentorship and bursary and training programmes to ensure that there are enough appropriately skilled resources entering the industry.
- Although Cape Town has the highest concentrations of film industry companies and resources in the country, the industry still does not market itself optimally. The lack of collaboration and aligning of sales and marketing campaigns means the region is missing opportunities to maximise new business development. There is a need for more collaboration and support within the local film industry aimed at ensuring Cape Town has a presence at key industry markets and festivals.
- There is a need for increased inclusivity within the film industry. Currently, barriers to entry negatively impact inclusivity, diversity and transformation in the industry. These barriers need to be resolved in order to realise the benefits of inclusivity and to realise the potential of a diverse and inclusive industry.
- While Cape Town has some of the best studio facilities on the African continent and boasts a rich diversity of locations there is still a need to increase infrastructure across the film industry value chain, from training to production facilities, to expand the industry and enhance competitiveness.

As the film industry has been highlighted as a key economic sector in the City, contributing to job creation and economic opportunities, it is important that there is a comprehensive response to the current challenges in order to achieve City objectives such as: enhanced economic growth, job creation, social inclusivity and sustainability.

3. DESIRED OUTCOMES

The Film Policy aims:

- To position Cape Town as a globally competitive film destination, renowned for the quality and variety of its world class locations, studios, facilitation companies and specialized crew.
- To build a film industry that contributes to City objectives such as economic growth, job creation and social inclusivity job creation in the City of Cape Town,
- To create a strong supportive and enabling environment for the local film industry and to engage with relevant industry role-players to advocate on behalf of the local industry.
- To build a capable, collaborative, resilient, sustainable and inclusive film industry with the ability to withstand local and international challenges, to build mutually beneficial relationships to reduce barriers to entry and to grow and transform the industry.
- To assist and guide the City in managing and regulating film-related activities in an efficient, effective and sustainable manner thereby providing clarity to all residents, role players and stakeholders.

4. PRINCIPLES

The Film Policy is developed and guided by the following principles:

- Economic growth, opportunity and sustainability
- Transformation, equity and inclusion,
- Excellence in service delivery
- Resource efficiency and security
- Safe communities

5. STRATEGIC ALIGNMENT

STRATEGY/POLICY	FOCUS AREA
Integrated Development Plan (2017-2022)	<ul style="list-style-type: none"> • Opportunity City • Well-run City • Inclusive City
Sustainable Development Goals	<ul style="list-style-type: none"> • SDG
Draft IECS	<ul style="list-style-type: none"> • Globally competitive City • Promote inclusive Growth
Resilience Strategy	<ul style="list-style-type: none"> • Capable, job-creating city • Collaborative, forward looking City
Social Development Strategy	<ul style="list-style-type: none"> • Empower excluded individuals through transformation in the industry
Film Strategy 2020	<ul style="list-style-type: none"> • Champion ongoing skills development; • Drive marketing and sales; • Promote transformation within the industry; and • Facilitate the development of infrastructure

6. REGULATORY CONTEXT

The policy is developed and guided by the following legislation and regulations:

- The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- Films and Publications Act, 1996 (Act No. 65 of 1996)
- National Film and Video Foundation Act, 1997 (Act No. 73 of 1997)
- City of Cape Town Policy -
- Filming By-Law, 2005
- Western Cape Noise Control Regulations, 2013
- Local Government: Municipal Finance Management Act, 2003, (Act No. 56 of 2003) (MFMA)
- SANS 10400 of 1990 Application of National Building Regulations
- Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
- City of Cape Town Municipal Planning By-law, 2015 as amended
- Land Use Planning Act, 2014 (Act No. 3 of 2014)
- HEALTH AND SAFETY:
 - o Tobacco Products Control Amendment Act, 2008 (Act No. 63 of 2008)

- Basic Conditions of Employment Amendment Act, 2002 (Act No. 11 of 2002)
- Labour Relations Amendment Act, 2002 (Act No. 12 of 2002)
- Disaster Management Act, 2002 (Act No. 57 of 2002)
- Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001)
- Fire Brigade Services Amendment Act, 2000 (Act No. 14 of 2000)
- Employment Equity Act, 1998 (Act No. 55 of 1998)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- TRAFFIC MANAGEMENT
 - The National Road Traffic Act, 1996 (Act No. 93 of 1996)
 - National Road Traffic Amendment Act, 2008 (Act No. 64 of 2008)
- ANIMAL PROTECTION:
 - Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982)
 - Endangered & Rare Species of Fauna and Flora Ordinance, 1984
 - Animal Identification Act, 2002 (Act No. 6 of 2002)
 - Animal Health Act, 2002 (Act No. 7 of 2002)
 - The Animals Protection Act, 1962 (Act No. 71 of 1962)
 - The Performing Animals Protection Act, 1935 (Act No. 24 of 1935)
- ENVIRONMENTAL PROTECTION
 - National Environment Management Act, 1998 (Act No. 107 of 1998) (as amended)
 - National Environment Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
 - National Environment Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (as amended)
 - National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004)
 - Environment Conservation Act, 1989 (Act No. 73 of 1989) (as amended)
 - Hazardous Substances Act, 1973 (Act No. 15 of 1973)
 - Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965)
 - National Water Act, 1998 (Act No. 36 of 1998)
 - NEMA Regulations Government Notice R385 of 2006
 - Nature Conservation Ordinance (Ordinance 12 of 1983)
 - Nature Conservation Regulations, 1983
 - Endangered & Rare Species of Fauna and Flora Ordinance, 1984
 - Waste Information Regulations, 2004
 - National Forest Act, 1998 (Act No. 84 of 1998)
 - Forestry Laws Amendment Act, 2005 (Act No. 35 of 2005)

- FIREARMS AND EXPLOSIVES:
 - o Prohibition or Restriction of Certain Conventional Weapons Act, 2008 (Act No. 18 of 2008)
 - o Firearms Control Amendment Act, 2006 (Act No. 28 of 2006)
 - o Explosives Act, 2003 (Act No. 15 of 2003)
- HERITAGE MANAGEMENT:
 - o World Heritage Convention Act, 1999 (Act No. 49 of 1999)
 - o National Heritage Resources Act, 1999 (Act No. 25 of 1999)
- PERFORMERS, CAST AND CREW
 - o Performer Protection Amendment Act, 2002 (Act No.8 of 2002)
 - o Basic Conditions of Employment Act, NO 75 OF 1997 - Sectoral Determination 10: Children In The Performance Of Advertising, Artistic And Cultural Activities,

7. POLICY PARAMETERS

This policy is applicable to:

- 7.1 Filming and film-related activities throughout the entire jurisdiction of the City of Cape Town that may in any way require the services of the City or have implications for public safety, the environment and local communities and which may occur in a public and/or private place, as contemplated in the City's Filming By-law .
- 7.2 Filming and film-related activities that position Cape Town as a globally competitive film destination, that generate publicity around filming and its locations, marketing activities that promote the City as a film location at all stages of production and post production, and which may have a significant impact on the City's strategic objectives related to tourism, investment, community development and marketing. Student film projects where there is an impact on public property, which may require the services of the City or may have any implications for public safety, the environment and local communities, The recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for the creation or sharing of information via virtual communities and social networks for commercial gain on public property.

The City's Film Policy does not apply to:

8. ROLEPLAYERS AND STAKEHOLDERS

There are a wide variety of existing and potential stakeholders. The Events and Film Department is primarily responsible for filming in the City and it is the principal role-player responsible for implementing and administering the Film Policy's ongoing management and evaluation. This role is supported by key internal stakeholders, including:

- Executive Mayor,
- Mayoral Committee Member/s,
- Portfolio Committee
- Executive Director.

This policy involves transversal input and approval of applications for all relevant aspects of the City's administration including internal role players and stakeholders.

The table below provides an outline of the affected role-players and stakeholders:

DRAFT

Stakeholder	Internal/External
Arts and Culture Unit	Internal
Cape Town Stadium	Internal
Council	Internal
Directorate: Safety and Security	Internal
Enterprise and Investment Department	Internal
Events and Film Department	Internal
Legal Department	Internal
Mayor's Office	Internal
Planning and Building Development Department	Internal
Roads Infrastructure & Management	Internal
Transport Network Management	Internal
Sport and Recreation Department	Internal
Strategic Assets Department	Internal
Supply Chain Management Department	Internal
Business Associations Chamber of Commerce, NAFCOC	External government
Communities	External government
Cultural and Creative Industry	External
Film festivals	External
Film Industry	External
Higher Learning Institutions	External
Major facility and property owners	External
Media	External
National Departments	External
National Parliament	External
Provincial Government of the Western Cape	External
Rate Payers Associations	External
Residents	External
Tourism Industry	External
Traders (Informal)	External

9. POLICY DIRECTIVES

In order to promote the City as a effective management of filming in the City the following policy directives will apply:

9.1 Classification of Filming Activities

In this policy, Film activities are classified according to the size and impact of the filming activities, as detailed below:

Shoot Type	Shoot Description	Conditions
Micro Shoot	1 - 3 vehicles and/or 8 or less cast & crew and duration of 1 day	<ul style="list-style-type: none"> • small, mobile shoots • no generators, lights, structures • no road closures
Small Shoot	4 - 6 vehicles and/or 9 - 15 cast & crew	<ul style="list-style-type: none"> • small stills shoots /commercials • small pick-up shots • minimal generators, lights, structures • no special effects and/or stunts • no road closures
Medium Shoot	7 - 15 vehicles and/or 16 - 30 cast & crew	<ul style="list-style-type: none"> • big stills shoots, small commercials & features * • minor/moderate generators, lights, sets, structures • minor special effects and/or stunts • traffic assistance required • minor lane/road closures • minimal noise impact, early morning or night shoots** <p><i>NB – with major lane/road closures, traffic diversions, CAA or other approvals, etc. Large Shoot timeframes become applicable</i></p>
Large Shoot	16 - 30 vehicles and/or 30-60 cast & crew	<ul style="list-style-type: none"> • large stills shoots, commercials, features * • moderate/substantial generators, lights, sets, structures • special effects and/or stunts • traffic assistance required • major lane/road closures, diversions, etc. • moderate noise impact, early morning or night shoots**

Shoot Type	Shoot Description	Conditions
		<i>NB – with major lane/ road closures, traffic diversions, CAA or other approvals, etc. Very Large Shoot timeframes will become applicable</i>
Very Large Shoot	31 or more vehicles and/or 61 or more cast & crew	<ul style="list-style-type: none"> • Very large, high-impact shoots, commercials & features* • Extensive generators, lights, sets, structures • large special effects and/or stunts • traffic assistance required • major lane/road closures • considerable noise impact, early morning or night shoots** <p><i>NB – with major lane/ road closures, traffic diversions, CAA or other approvals, etc. additional planning time may be required.</i></p>

9.2 Regulation and Management of Filming Activities

In order to promote effective regulation and management of filming activities the City will in terms of this policy:

- balance economic activities related to filming with other rights contemplated in Chapter 2 of the Constitution.
- regulate and manage Film activities and any short term public nuisances linked to filming in terms of the City's Film Bylaw, as well as other applicable legislation, including legislation listed in Section 6. Regulatory Context above.
- provide a one-stop, accessible facility for the processing of applications for filming while acting within the parameters of existing applicable legislation.
- look at mechanisms to allow film studios and other filming venues that meet minimum requirements to obtain pre-authorization/ certification as film-suitable venues and be exempt from repeated applications for a defined period.

The City may require payment of a fee before considering an application to conduct filming.

9.3 Support for Filming

In order to support filming activities that may contribute toward the attainment of the Desired Outcomes contained in this policy:

- 9.3.1 the City may from time to time choose to support film-related activities or projects that support the attainment of the City's Strategic Objectives.
- 9.3.2 City support for filming may take the form of direct funding or subsidising the cost of City services or facilities.
- 9.3.3 City support for any film-related activity can only be contemplated if the City's Event and Film Department or any other City Department has funding approved in its business plan and budget.
- 9.3.4 The City may choose the level and type of funding or support it wishes to provide in response to a film support application.
- 9.3.5 The City may from time to time seek to assist the industry through targeted interventions that may include reduced tariffs, etc.

10. FILM POLICY MECHANISMS

The Film Policy mechanisms to deliver on the policy directives include:

- a) Efficient and effective marketing and communications initiatives and interventions to promote Cape Town's film sector locally and internationally and to stimulate sustainable economic growth, investment and job creation, including:
 - Using relevant media and social media platforms to position and promote the City as a widely recognized and well-established film hub to attract more television series and long form filming to Cape Town and to address seasonality.
 - Supporting filming, film events and initiatives within the City of Cape Town
 - Targeted funding in support of promotional and developmental film initiatives

- Creation of an environment conducive to safe, sustainable filming practices for the film industry and general public.
- b) Interventions to support a thriving, inclusive, diversified and resilient film industry including:
- Development of a well-resourced CCT Film Office to not only assist with the needs of the film industry closer to home but to also represent the city and region internationally.
 - Creation of a City of Cape Town Film Fund
 - Undertaking or commissioning research to assist the City in planning and implementing its Film Strategy and Film Policy. Such research key areas may include international best practices, international standards, trends and regulations applicable to the film industry, and providing options applicable to our local context.
 - Targeted training skills development.
 - Facilitating an environment conducive to filming with appropriate regulations, enforcement and deployment of appropriate City services.
- c) Strengthening intergovernmental relationships and industry partnerships, Including:
- Ongoing Stakeholder engagement.
 - Improving the ease of doing film-related business in and with the City.
 - Encouraging CCT leadership to include film related business as a key aspect of local and international engagements and partnerships.
 - Scheduling regular and meaningful engagements with the film industry and role players to encourage a culture of collaboration within the local industry and to ensure that the City remains abreast of developments within the industry.

11.ROLE AND RESPONSIBILITIES

The numerous governmental role-players in the Film Industry include:

1. At a national level, these include but are not limited to various National Departments that provide various incentives and financial assistance to applicants.
2. At a regional level, role players include the Provincial Government of the Western Cape, the Cape Town Film Studio, various other film studios, the Commercial Producers Association, South African Stills Producers Association, Film production companies, Animation production companies, Universities, Technikons and other institutions offering Film and Media Studies and film festivals.
3. At local government level, the City within its jurisdictional area, wishes to contribute to the growth of the film industry in order to support job creation, economic development, inclusivity, etc. by taking on the following roles and related to the film industry responsibilities within the constraints of budget and resource availability:
 - a) Assisting and guiding the film industry in managing all film related activities in an inclusive, efficient and effective manner thereby providing clarity to all role players and stakeholders.
 - b) Developing interventions to support the local film industry and to create enabling mechanisms for the purpose of promoting the region through film, video, and multimedia production support and promotional and developmental film initiatives.
 - c) Creating an environment conducive to safe, sustainable and environmentally responsible filming with appropriate regulations, enforcement and deployment of appropriate city services.
 - d) Scheduling regular and meaningful engagements with the film industry and role players to encourage a culture of collaboration within the local industry.
 - e) Managing City resources and engaging City services on all matters related to filming in the city, including facilitating engagements between the film industry and City services, providing advice of film related matters such as use of city facilities as film locations, film-friendly tariffs, etc.

- f) Development of a well -resourced City Film Office to promote Cape Town as a competitive, film business destination for local and international businesses and residents.
- g) Providing and continually improving the film permitting and film facilitation services offered by the City.
- h) Developing a mechanism to support the film industry financially or in-kind

12. FILM LOCATIONS

In order to develop the Cape Town as a premium film destination, the City requires a large variety of easily accessible, marketable filming locations. The City will seek to improve liaison with filming locations, film studios as well as public and private stakeholders and role-players to improve the portfolio of film locations within the City.

The City may engage with key filming location role-players to discuss protocols and requirements that will assist in creating film-friendly, accessible locations

13. FILM SUPPORT AND FACILITATION

The City may from time to time choose to support the film industry through creating enabling mechanisms to support film initiatives that may contribute toward the attainment of the Desired Outcomes contained in this policy and to position Cape Town as the leading film hub in Africa. This may include providing support and discounts to qualifying film productions or projects.

The City may through its budgetary processes establish a Film Fund to provide for Film Support and Discounts as envisaged in 9.3 above.

13.1. Film Fund

The City may through its budgetary processes establish a Film Fund to provide for film support and discounts as envisaged in 13.2 below.

13.2 Film Support and Discounts

The City may, subject to agreed outcomes and deliverables, provide support and discounts to qualifying film productions or initiatives that:

- a) showcase or promote the City and its film industry as a premier film destination nationally and internationally;
- b) support the promotion of locally filmed productions by providing a suitable support programme with clear guidelines and eligibility criteria for support for attendance at film markets and festivals;
- c) support local emerging filmmakers and encourage the production of local content in order to stimulate the local film industry;
- d) provide or facilitate access to training in film production, development opportunities or employment in the film industry for individuals from local communities.

The City may from time to time consider discounting or waiving services and/or venue tariffs should it determine a film production or project will create or support significant direct local employment and expenditure on local goods and services, create meaningful training and development opportunities for local youth and communities, assist with the geographic spread of the economic and societal benefits derived from filming or promote the City internationally and encourage tourism.

The support may take the form of:

- i. direct funding of and/or in kind support in the form of City facilities and/or services needed for a qualifying film project;
- ii. Tariff discounts - where a production company demonstrates the number of jobs and the level of jobs created directly by the film production or project as a result of the filming activity.

13.2.1 Application Process for Film Support

Applications for Film Support can only be considered within the limits of the funding approved for this purpose on the City Events and Film Department departmental budget.

- a) Applicants are required to submit an application for film support to the City.

- b) The application for support should be aligned to the guidelines outlined below:
- i. applications for event support must be submitted to the Events and Film Department on a standard template provided the Events and Film Department or via an electronic/online application system.
 - ii. applications for support should be made at least 120 days before commencement of the film production or project in order to facilitate the decision-making processes.
 - iii. funding applications received later than 120 days prior to the start of production may not be considered.
 - iv. the City will acknowledge receipt of all support applications received.

13.2.2 Film Support Decision Making Process

The Film Support decision-making process will be facilitated through Council systems and structures such as Council meetings, the City's budget process, the Film Support Committee and according to the System of Delegations.

- a) the following pertinent information must be provided by applicants in order to assess the possible reputational and legal risk to the City when considering supporting any film project:
- i. the composition of the company's board and the production company's or the film-maker's background and experience in film-making and the film industry.
 - ii. the production company or film-maker's track record in the film industry.
 - iii. any relevant research, production financial information, including economic and environmental impact assessments relevant to the application under consideration.
 - iv. Information on measures to promote and enable resource efficiency, waste reduction and socially responsible decision-making - including, the reduction of the production's or project's carbon footprint, energy demands - and measures to minimise or limit the impact on the natural and sensitive environments.

- v. details of production partners, particularly other funders, sponsors and media partners.
 - vi. detailed information on the anticipated impact of the production or project on the local economy and on the intended beneficiaries of the production or project.
 - vii. Declarations in relation to any conflicts of interest that exist or may arise from receiving support from the City,
- b) The City may not support or contribute financially to any political party film projects.

13.2.3 Reporting

The Events and Film Department will provide quarterly reports on Film Fund supported projects to the relevant Portfolio Committee.

Beneficiaries of City Support must provide the City with progress reports within timeframes and on criteria and reporting elements stipulated in the Film Funding Agreement – such reports may include information on participants and beneficiaries, media and marketing reports, economic opportunities and jobs created, environmental and sustainability initiatives implemented, challenges, issues and complaints, etc. A comprehensive project report must be submitted on conclusion of the supported film project within the timeframes determined in the funding agreement.

13.3 Film Facilitation

As part of its film facilitation and enabling service offerings the City may wish to:

- a) Use relevant media and social media platforms to position and promote the City as a globally competitive film destination with a variety of world class locations, studios, facilitation companies and specialized crew to attract more filming business to Cape Town and to address seasonality.
- b) establish transversal project teams across City directorates and other role-players to assist in the facilitation and approval processes for complex productions. In this regard:
 - i. The Film Office may recommend to the relevant Executive Director or delegated authority that a complex film project requires dedicated project support.

- ii. The criteria for determining complexity includes the potential economic, reputational benefits of the project for the City and/or region.
- iii. Once approved, a multi-disciplinary team comprising of relevant City Staff may be assigned to the project.
- iv. A clear project plan must be submitted to the Film Office by the applicant.

14. REGULATION OF FILMING

The City of Cape Town By-law relating to Filming, 2005, or any subsequent Amendment thereto, will provide for the regulation of matters pertaining to filming within the jurisdiction of the City of Cape Town, including:

- (i) Obtaining Permission for filming;
- (ii) The process, requirements, conditions and criteria for filming in the City;
- (iii) Determination of film shoot types;
- (iv) Determination of Community Consultation requirements;
- (v) Monitoring of Filming activities;
- (vi) Offences and Penalties;
- (vii) Compliance Notices;
- (viii) Recovery of costs.

15. IMPLEMENTATION PROGRAMME

The revised Film Policy will be implemented once approved by Council and will be championed by the City's Film Office.

Key dependencies to the successful implementation of the Policy include:

- Awareness of the Policy amongst City Officials, the Film Industry and general public;
- Standard Operating Procedures

- Terms of Reference for Committees;
- Contracting capacity
- Records;
- Reporting; and
- Awareness of Roles and Responsibilities.

Challenges faced by the City for the successful implementation of the Policy include the following:

- a) The lack of understanding of the various legislation and regulations relating to Filming and the MFMA, and the impact thereof on the:
 - (i) City's policies and procedures;
 - (ii) Operations;
 - (iii) Industry expectations.
- b) The limited City resources with knowledge, skills and capacity to achieve the policy intent and to comply with applicable legislation.
- c) The long film industry value chain and its important contribution to the Cape Town economy not yet fully understood or recognised by all City communities and employees.
- d) The establishment of the required committee/s to provide advisory input and oversight and the formalisation of their roles and responsibilities (Terms of Reference/ System of Delegations).
- f) The development and approval of Standard Operating Procedures in respect of the various aspects relating to management of the Film Fund.

16. IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW,

- a) The Film Policy will be implemented once approved by Council.
- b) Monitoring and evaluation of this policy will be performed by the Events and Film Department.
 - c) Directorates are to advise the Events and Film Department of any blockages within the Film Policy implementation framework.
- d) Changes in legislation must be taken into account for future amendments to this policy.

- e) This Policy will be reviewed five years after the date of adoption, and may be updated and revised accordingly. Lessons learned during the implementation phase of this policy will inform the policy review and revision process.
- f) Any amendments to this policy must be submitted to Council for review and approval.

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