

Sub Committees on The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012

Response from the Creative Industries team in the Department for Business, Enterprise, Technology and Science

EVIDENCE PAPER

Sub Committees on the Smoke-free Premises (Wales) (Amendment) 2012

Evidence paper submitted by the Creative Industries team in the Department for Business, Enterprise, Technology and Science

Date: 15 February 2013

Title: The Television and Film Industries in Wales and the economic case for an amendment to the Smoke-free Premises etc. (Wales) 2007

Introduction

The BETS Creative Industries team (via the Wales Screen Commission) has been invited to provide evidence to the Sub Committees on the Smoke-free Premises (Wales) (Amendment) 2012. This paper will address the areas on which the team focuses, namely the growth of the creative industries in Wales and the maximisation of commercial opportunities for the sector in a challenging economic climate.

Background

The Creative Industries sector has been identified as a priority sector by the Department of Business, Enterprise, Technology and Science (BETS) due to their existing size in Wales, their important role in the digital economy, their recent growth and potential for future growth. The BETS Creative Industries Team works to maximise the economic success of the Welsh sector, which includes Television and Film.

Analysis of recently published statistics shows that total employment within the sector in Wales (based on the Dec 2011 DCMS definition) has continued to grow, and at a rate faster than any other priority sector in Wales and the UK creative industries sector as a whole.¹ The number of employees in the creative industries in Wales has increased by 5.4 per cent over the period 2009-2011, and the number in self employment has increased by 38.9 per cent over the same period, the largest percentage increase of all the priority sectors.² Overall employment in the Creative Industries in the period 2009-2011 increased by 16.5 per cent in Wales; this is the

¹ Priority Sector statistics, Welsh Government, November 2012. Available at <http://wales.gov.uk/topics/statistics/headlines/economy2012/121121/?lang=en>

² Ibid

largest percentage increase of all the priority sectors and confirms the Creative Industries as a growth sector in Wales.³

TV Production is one of Wales' success stories, in particular in recent years for high-end drama production. Wales is a natural home for TV and Film production, and has achieved notable successes, such as Doctor Who, Being Human and Sherlock. These productions are not just a triumph for our Creative Industries; they are valuable for local economies and tourism in Wales, promoting us on a global stage and bringing increased visitor numbers to locations associated with such productions.

Wales has some advantages over other countries for Film and TV production which include:

- The only BBC studio in the world that is dedicated to BBC drama production at Porth Teigr's Roath Lock Studio and Drama Village.
- The Wales Screen Commission, providing a strong and economically-focused Wales location service that supports inward-investing TV and film productions and will also assist locally-based businesses and freelancers to access new opportunities.
- Welsh Government funding that can offer up to 50% of business set-up costs to enable creative companies to grow and thrive.
- An amazing variety of stunning landscapes and historical and contemporary environments in which to film.
- An enviable pool of skilled people, experience and talent.
- Easy access to London.
- Cardiff, Wales' capital city, is home to a Creative Media Cluster of internationally significant creative content production companies

However, the sector *has* been severely affected by the economic downturn, in particular the Television industry where cuts to BBC and S4C budgets mean that the industry remains in a fragile state, making the Programme for Government commitment '*to ensure Wales' Public Service Broadcasters organise their affairs to provide the maximum economic advantages to Wales that can be practically achieved*' an ongoing challenge. The team seek to leverage the maximum economic value from the public service broadcasters by working with them to increase their levels of network commissioning from Welsh companies, and the lack of an exemption to the Smoke-free Regulations continues to be an obstacle to bringing TV and Film productions to Wales.

Since the introduction of the smoking ban in Wales, creative industries officials have received representations from the sector attesting to the detrimental impact of the ban upon the ability to secure productions to Wales and lobbying for an exemption, as exists in England. In the information that follows, we have detailed the economic potential of the TV and Film Industries for Wales and the evidence presented to us from the TV and Film industries to date regarding any difficulties experienced.

The Economic Potential of TV and Film

In the last year, the BBC and S4C spent over £108m in Wales. This is in addition to figures collected by the Wales Screen Commission of over £22M from productions

³ Ibid

filming on location in Wales. These figures do not account for further rounds of spending in the Welsh economy stimulated by this direct spend.

BBC production spend is only part of a wider potential market, with Sky Entertainment increasing its original content output for the UK with a commissioning budget set to increase to £600M by 2014. *Stella*, filmed in the South Wales region and made by Tidy Productions for Sky 1 has been commissioned for a third series.

One third (34 per cent) of BBC produced programming contains smoking scenes.⁴ This is a significant proportion of a large market where Wales could be placed at a disadvantage against England, but also any country that currently allows smoking on set.

The introduction of corporation tax reliefs for the animation, high-end television and video games industries from April 2013, offers additional incentives for international producers to bring their projects to Wales and the UK Government anticipate that these tax reliefs could generate an additional £350 million per year for the UK economy, create thousands of jobs and keep British skills in demand in a highly competitive industry.

The Creative Industries team plan to compete heavily for a part of that £350 million using Wales' strength as a place for high end drama in competing with Southern England to secure deals.

When announcing the tax breaks for high end television the Chancellor George Osborne stated "not only will this help stop premium British TV programmes like *Birdsong* being made abroad, it will also attract top international investors like Disney and HBO to make more of their premium shows in the UK."

With the growth of BBC Wales Drama as a centre of excellence at the new Roath Lock Studios, Sky commissioning increasing and the extension of film tax relief, it is hoped that more programme making will come to Wales. Our biggest competitor in this is not Scotland or Ireland, but England due to its geographical proximity.

A key role of the Welsh Government's creative sector team is to encourage productions to film in Wales. The current smoking ban affects the ability to do that. The financing and marketing of international film and TV is so finely balanced that without an exemption, film and TV companies who wish to make a film with smoking scenes may choose to go elsewhere.

The real issue is not just what may have been lost up to now, but what Wales could lose in the future from high end dramas that choose to film elsewhere because the playing field is not level in terms of the regulations. Despite the BBC having Roath Lock Studios as their centre for Drama, any of the 34 per cent of BBC programming made that contains smoking would face obstacles filming in Wales.

⁴ Fifty years since *Smoking and Health*, Royal College of Physicians and the UK Centre for Tobacco Control Studies, March 2012. Available at www.rcplondon.ac.uk/sites/default/.../fifty-years-smoking-health.pdf

There is also a risk if the exemption doesn't go through that it could damage the industry's perception of Wales as a place to produce high end drama and discourage productions from shooting in Wales.

In terms of Film production, they are often highly mobile projects that can film anywhere that they choose in the World, meaning they will go where the conditions and incentives are best. Wales has an excellent offer for film makers, but for films where smoking is required as integral to the plot or characters, this will be a deal breaker.

If Wales is unable to create filming conditions that are on a par with England, where an exemption to the ban is already in place, Wales will continue to be at a competitive disadvantage - particularly given the proximity of Manchester and Bristol, both of which are also seeking to grow as centres for film and TV production.

Evidence from Industry

The non-exemption for performers within the 2007 Smoke-Free Regulations in Wales has already impacted on productions looking to film in Wales, especially period dramas set in the 19th and 20th centuries, historically a time when smoking was commonplace. 'Smoking' is defined in The Health Act 2006 and the definition includes "being in possession of any other lit substance in a form in which it could be smoked". This prohibits the use of any lit substance, including herbal cigarettes, when filming scenes in enclosed or substantially enclosed public places in Wales. This has led production companies to film smoking sequences outside of Wales (please see the full correspondence from Industry at Annex 1).

Creative Industries Officials have been informed by representative bodies that the smoking ban has been an issue for the following productions: I Know You; Ryan a Ronnie; Being Human; Sherlock and The Indian Doctor. In October 2011, the BBC made several approaches to the creative industries team regarding the filming of Upstairs Downstairs, which was running into difficulties due to being unable to film actors smoking. The programme makers wished to portray a level of authenticity that audiences would expect, and pointed out that many period dramas are set in times when smoking was commonplace.

As stated above, the impact of this prohibition is difficult to quantify, but may be exemplified by the feature film Mr. Nice. The Creative IP Fund stated in January 2009 that the producers of the film previously agreed to spend £560,000 in Wales but, due to the requirements of the 2007 Smoke-Free Regulations, some key scenes were shot in Bristol and close ups were shot in Spain, which reduced their production spend in Wales to approx £480,000; a loss to the Welsh economy of £80,000.

Evidence has been presented by the BBC and a number of large scale independent producers who make wealth and create employment in Wales that TV and film production work that would have been undertaken in Wales is already being taken elsewhere through the lack of an exemption in Welsh legislation.

Trade associations including Pact, BECTU and TAC have all expressed their reservations to the ban and although none support smoking, they do realise that to be commercially competitive with England the exemption needs to be passed.

Teledwyr Annibynnol Cymru (TAC) have stated that members have already had to consider moving the filming of some drama productions to England when filming scenes involving performances of artistic portrayals where a character is smoking. Their response to the consultation in February this year adds that the lack of an exemption was a real problem for the producers of the Ryan and Ronnie film when trying to reflect real life during the 1960s and 1970s and concludes that 'the cost of a production travelling to England is a burden on productions and ...reduces investment in Wales.'

The BBC's response to the consultation echoed the point made by TAC, stating 'the legislation as it stands makes filming any period piece in Wales a less straightforward, and therefore, a less attractive proposal. Already, productions from Wales have had to travel across the border to England where the existing exemption there allows for more flexible filming conditions. This adds not only cost and time to productions – with location filming an additional cost to filming - but also puts Wales at a distinct competitive disadvantage.'

'The fear is that productions will choose to film entire productions in England, rather than face the added difficulty of filming in Wales. When so much work has been done to attract independent producers to the Nation it is unfortunate they are being forced to look elsewhere.'

The use of props or CGI technology was cited by a number of respondents to the public consultation who stated that their use was unsatisfactory, particularly for close-up shots. BBC Cymru, in its response, suggested that the current alternatives to actually smoking on film were not viable: "The electronic cigarettes currently available are not a viable alternative: they are difficult to set up and don't show up well on screen. CGI is time-consuming and expensive. Neither of these alternatives are currently a sustainable nor a cost effective way of working."

BBC Cymru Wales also stated: "Any filming of smoking would be done under the exemption conditions with adequate protection for production crew and cast. Only herbal cigarettes would ever be used on set and only for the final take. An actor would not be forced to smoke."

Producer Jane Dauncey of Machine Productions (whose work includes Stella, Tracey Beaker and Casualty) states 'We want our industry to grow and prosper, not dwindle.... If the exemption doesn't go through, it won't come up again in legislation for years. Wales's film and TV will be disadvantaged economically and creatively by being out of step with England.'

Producers at Rondo Media (The Indian Doctor) and Fiction Factory (Satellite City, Caerdydd) are also strongly supportive of an exemption for artistic integrity. Tom Ware of Rondo Media commented that 'continuing to insist that actors (even in period dramas such as The Indian Doctor) are not allowed to smoke on set creates additional expense and bureaucracy that will directly affect the cost and viability of filming in Wales - and by extension will disadvantage the Welsh TV & Film industry at a time when it has striven to be among the most competitive in the world.'

Sue Vertue at Hartwood Films supports the exemption and proposes the use of herbal cigarettes on set. 'We have filmed two series of Sherlock in Wales. In the last series alone we spent over £1.5 million directly in Wales and employed nearly 100 regional crew ... Although Sherlock is a non-smoker (he has given up and uses

patches), there are certain instances in any show that may need smoking. We had one in the last series and in fact, due to the ban, had to up sticks and shoot in Bristol. In this instance, it was only a one day shoot but I can see many occasions where Wales will lose out to whole productions, should they for instance be period pieces. They certainly wouldn't get a period Sherlock, nor Mad Man nor in fact anything where people used to smoke which will be a big loss to Wales.'

Touchpaper TV, the producers of Being Human, have written to the Minister in support of the exemption, stating 'The sector has a real opportunity to grow from strength to strength given recent moves by the BBC to see Cardiff as its drama centre of excellence. It would be a pity to hinder such growth by discouraging companies to film here because of this legal anomaly.'

The British Film Commission have written to the Head of the creative industries sector to say 'international competition is at it's height with increasingly generous filming incentives being offered across North and South America, Canada, Australasia and the Middle East. To avoid the UK being placed at a disadvantage against its competitors, especially in light of the UK Government's anticipated Creative Sector Tax Reliefs, it is more important than ever that we do not present any obstacles to potential Creative Sector inward investment.'

A recent article in The Stage online stated 'At a time when Equity is trying to encourage more productions to be written and made in the nations and regions, an exemption in Wales would be very welcome indeed'.⁵

Conclusion

The exemption proposed for Wales is far narrower than that which is already available in England, where theatrical productions can also apply for an exemption. It represents a good compromise to the current requirements that will support the creative industries in Wales whilst minimising the impact on public health through the use of restrictions on when and how the exemption can be used.

Specifically, the lack of an exemption could directly undermine the goal of making Wales the BBC's designated home for drama production and the first choice for US high end drama production. The economic impact of losing such productions to other territories could be significant, so the proposed exemption is an important step if Wales is to remain competitive in an increasingly international creative industries economy.

It is unlikely that the prevalence of smoking on screen will increase as a result of the proposed exemption. At present, smoking scenes for TV and film productions are filmed in England and aired in Wales. This applies to both productions being substantively filmed in Wales for Welsh and UK-wide screening as well as productions filmed in England which are then shown in Wales.

The Regulations as they stand in Wales do not necessarily prevent smoking scenes from being filmed. They may still be filmed using real cigarettes, but at another location. Scenes depicting smoking outdoors have always been allowed and are not covered by the regulations. The exemption will not change what is shown on television

⁵ Available at <http://www.thestage.co.uk/columns/hemley-on-tv/2013/01/thank-you-for-not-smoking-on-film-and-tv-sets/> accessed 29/01/2013

and in cinemas in Wales, as this is not within the remit of this legislation. Therefore the depiction of smoking (whether portrayed through the use of CGI, fake or real cigarettes) will still be shown on televisions and in cinemas throughout Wales.

The introduction of an exemption and how it should be managed has been discussed extensively with colleagues in Health. There is a commitment to producing guidance and a leaflet in consultation with the industry to ensure clarity on where an exemption can be justified.

Correspondence from Industry regarding the proposed exemption to the Smoke-free Regulations

STATEMENT FROM BBC CYMRU WALES ON PROPOSAL TO LIFT SMOKING BAN FOR THE FILMING OF DRAMA IN WALES

The BBC operates a strict policy on smoking which holds programme-makers responsible for any portrayal of smoking. It is never justifiable to promote cigarettes and any portrayal of smoking should always have strong editorial grounds.

The BBC's practice is that during production in locations across the border in England, where there is an exemption for the filming of drama, the use of cigarettes on set is always risk assessed and carefully controlled, as is any other identified hazard. Any incident of smoking is discussed with cast well in advance to ensure that nobody is ever placed in an unfair position.

The current legislation in Wales makes it impossible to film a lit cigarette as part of a scene. This is problematic for period dramas, which often feature cigarettes as a fact of period life. It is especially difficult to truthfully capture big, emotional moments in close-up shots, where fake cigarettes and CGI don't create an honest effect.

Examples where the legislation has impacted on our decision to film across the border in Bristol include *Upstairs Downstairs* scenes at a 1930s boxing ring and a large party set in the Royal Albert Hall (though filmed in a different location). To film these large-scale scenes without showing anyone smoking cigarettes, which was such a prevalent social activity during that era, would have jeopardised the authenticity of the production.

When portraying smoking in BBC drama we never seek to glamorise it – and often we actively seek to do the reverse. In *Sherlock*, filmed mostly in Wales by Hartswood Films for the BBC, the main character has to be a smoker to remain true to Conan Doyle's iconic creation, but the narrative has included his own disapproval of the habit, and his attempts to give it up.

Other productions with strong links to BBC Wales could not have been filmed in Wales under current legislation - *A Room At the Top* and *Parade's End* were both period dramas where, to be true to the era, considerable amounts of smoking had to be featured.

We have given careful thought to how we would respond to an exemption to the smoking ban being introduced for drama and film production sets in Wales. We would like to outline the key measures we would take to ensure that smoking on set was kept to a minimum after the introduction of such an exemption.

- In the planning of any drama filming, we will commit to always look first at alternatives to actual smoking, such as the use of fake cigarettes or Computer Generated Images. In some productions, the need for total authenticity is reduced, and in these cases we can use these options.
- We will introduce a new process within BBC Cymru Wales whereby the filming of any scene involving real smoking would have to be authorised in advance by the Head of Productions, who is a member of the BBC Cymru Wales Board of Management. This authorisation would only be granted if it was felt there was strong justification for using real cigarettes.
- We would apply the above measures to any independent productions for which BBC Cymru Wales is responsible.

We want to make it clear that, in the event of the exemption being passed, we would not seek to introduce more portrayal of smoking in our dramas. The only result of such an exemption would be that scenes which involve real smoking could be filmed in Wales, rather than England.

We believe that the introduction of an exemption to the ban would help to ensure that even more of the economic benefit of Wales-based drama will flow into the Welsh economy. We are concerned that the existing ban could inadvertently dissuade BBC drama producers from making certain types of programmes in Wales. Often decisions about where to film a drama for TV are very finely balanced, and there is a risk that the ban might tip the balance in the wrong direction.

BBC Cymru Wales welcomes the Welsh Government's recommendation that clear guidelines should be introduced to safeguard the proper application of the legislation, should it be passed. As well as introducing our own additional safeguards as outlined above, we would seek to assist with ensuring the proper implementation of these guidelines, in conjunction with other organisations across the creative industries.

TAC – Letter to Head of Creative Industries Sector team

TAC

Uned 2, Cibyn, Caernarfon. LL55 3AW

01286 672200

Smoking exemption for Film & TV

TAC is mindful that this is a very emotive and complex subject, and do not seek to overturn the Smoking Ban in Wales. We do however seek for a change in the law, a change that would allow an exemption for TV and Film Productions, in certain circumstances.

The law as it stands does not allow for an exemption, as it does in England. TAC feels that this has a serious economic impact on the creative Industries within Wales. These are Industries that the Welsh Government is actively supporting in various ways, and I would entreat you to continue in your invaluable support by supporting this exemption. There are examples where revenue has been lost to Wales because of this ban on smoking. “Upstairs, Downstairs” will suffice as a clear example of this issue. The BBC, with much fanfare, has moved Productions from London to Cardiff, and has brought much needed income into the Capital. It seems at odds then, that this Production has to “up sticks”, and move to Bristol to film scenes that involve smoking. Period drama will inevitably require such scenes. Should we sit back and let all TV and Film be made in England? This is not in line with Welsh Government’s undoubted support for the Creative Industries.

In the case of “Ryan a Ronnie”, a TV drama largely based in the ‘smoky’ atmosphere of a Welsh workingman’s club in the 1970’s (The Double Diamond, Caerffili), the Producers tried various means to adhere to the law on the prohibition of smoking on premises. They tried electronic cigarettes, which looked unrealistic, and even tasked the design team with creating fake cigarettes with cigarette paper and cotton wool, which was quickly ruled out for obvious health and safety reasons. There is no doubt that the Producers had, while attempting to authentically portray the atmosphere of the period, great difficulties dealing with the challenging task of compromising editorially in the face of being unable to film interior scenes involving smoking. The inability to set the scene as realistically as desired contributed in part to a decision to locate certain scenes outside Wales (Liverpool) resulting in additional production costs.

It was often mentioned in the Press that the Dragon Studios in Pencoed were going to be the Welsh equivalent of Hollywood, with some getting so excited they called it "Valleywood". To date this hasn't really happened, why? Do Production Companies from England and beyond really want to come to Wales to film a period Drama, only to have to relocate the whole Production, if there is a scene that involves smoking? I think not.

TAC is committed to seeing the Creative Industries in Wales grow and prosper, not an easy task in these days of dwindling budgets. This task is being hampered by a law that is inflexible. This discussion will not come up in legislation for many years, if this exemption does not get the support from AM's, there can surely be only one outcome. The TV & Film Industry within Wales will be at a disadvantage economically and creatively by being out of step with England, which I'm sure you'll agree is something all AM's should be concerned about.

Iestyn Garlick (Chair TAC)

Smoking on set (Letter to the Western Mail)

SIR – I'm puzzled at the claim that "Concern is growing" over the proposal to exempt film-makers from the indoor smoking ban ("Fears exemption for film-makers would water down smoking ban", Sep 28).

Ash is a pressure group, and that's exactly what pressure groups do, get concerned and write press releases putting their side of the argument.

But when Welsh AMs vote on this issue on October 18 or 19, I hope they will support the exemption.

If not, they must consider seriously the economic impact of putting Wales at a disadvantage in making its own films and TV and attracting inward investment.

We want our creative industries to grow and prosper, not dwindle. Bectu, Pact and many individual producers and directors in Wales are supporting the exemption.

Ash's arguments are a muddle of protecting crews, anxieties about imitative behavior, and "it's the thin end of the wedge... pubs will make the economic argument next".

I don't suppose many of us are fervently pro-smoking.

But all we are talking about is that an actor is permitted to have a lit cigarette (herbal or normal) during a take in a TV or film studio or interior location.

And while dramas are crashing cars, setting fire to things, having sword, gun and knife-fights and meticulously re-creating the ambience of the past, it feels as if Ash are latching on to a low-risk, creative decision to seek easy publicity for their main health platform.

Imagine that Mad Men wanted to come to Wales to film – it'd have to go to Bristol to shoot smoking scenes.

If the exemption doesn't go through, it won't come up again in legislation for years. Wales film and TV will be disadvantaged economically and creatively by being out of step with England. That would be something to be concerned about.

JANE DAUNCEY

Director, Machine Productions

Hartswood – Email to Head of the Creative Industries Sector team**From:** Sue Vertue**Sent:** 09 October 2012 13:04**To:** Hale, Natasha (BETS - Sectors & Business)**Cc:** Debbie Vertue**Subject:** Smoking Exemptions

Dear Natasha,

I recently caught sight of the article from Walesonline entitled 'Concerns grow over plans to exempt film makers from smoking ban' which greatly worries me. As you know, we have filmed two series of Sherlock in Wales. In the last series alone we spent over 1.5million directly in Wales and employed nearly 100 regional crew. We are also, as you are aware, very committed to training and employ work placements in as many categories as we can. This is working, one trainee in the camera department from the first series for example was our camera assistant on the second series. Although Sherlock is a non-smoker (he has given up and uses patches), there are certain instances in any show that may need smoking. We had one in the last series and in fact, due to the ban, had to up sticks and shoot in Bristol. In this instance, it was only a one day shoot but I can see many occasions where Wales will lose out to whole productions, should they for instance be period pieces. They certainly wouldn't get a period Sherlock, nor Mad Man nor in fact anything where people used to smoke which will be a big loss to Wales.

I am a huge supporter of stopping people smoking – I'm an ex smoker myself but I don't think ASH's views are accurate. The depiction argument doesn't hold (for the reasons I stated above), and there aren't alternatives. The special effects cigarettes are expensive, time consuming and don't hold up to scrutiny on close-ups. What is the problem with using herbal cigarettes? Those aren't at all harmful if in a ventilated building and they work fine.

Perhaps you could get back to me about what measures are being taken to ensure that this exemption is upheld – it could really affect the investment that Wales gets in the future – even more so if the tax credits come in and the Americans come to town. They won't understand at all why they can't use herbals on set.

Best wishes,

Sue Vertue
Producer

British Film Commission – Email to Head of Creative Industries Sector**From:** Samantha Perahia**Sent:** 09 October 2012 13:44**To:** Hale, Natasha (BETS - Sectors & Business)**Cc:** Adrian Wootton

Subject: Smoking Ban Exemption for Performers in Wales

Dear Natasha

I am writing regarding the Welsh Government's consultation on a smoking ban exemption for performers.

As you know, the British Film Commission (BFC) is the British Government's strategic agency responsible for inward investment film and TV production. A combination of funding from the Department for Culture, Media and Sport and UK Trade and Investment with commercial and National Lottery contributions enables the BFC to work with National and Regional partners to secure significant investment from the production of international feature films and high end television in the UK.

The BFC welcomed the smoking ban as a hugely important and positive Government policy but there was never an intention to negatively impact on the UK's hugely successful Creative sector. As such, the BFC supported a smoking ban exemption for performers in England which was approved by Government in 2007 on the following grounds:

"Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs is not smoke-free in relation to that person during his performance."

To provide some context to the importance of film production to the wider economy, 2011 was the most successful year to date for feature film production in the UK with a total spend of £1.3 billion of which over £1 billion can be attributed to internationally financed features shooting in the UK. In addition, the UK film industry directly employs around 44,000 people, more than both the fund management and pharmaceutical manufacturing sectors, with 70% of the workforce graduates.

To secure this level of investment and employment for the UK during a period of global economic downturn and rising unemployment is testament to the importance of the British film industry and of the organisations and individuals that support filming in the UK's Nations and Regions, of which Wales is a key component.

Despite this success, international competition is at it's height with increasingly generous filming incentives being offered across North and South America, Canada, Australasia and the Middle East. To avoid the UK being placed at a disadvantage against it's competitors, especially in light of the UK Government's anticipated Creative Sector Tax Reliefs, it is more important than ever that we do not present any obstacles to potential Creative Sector inward investment.

For this reason, the British Film Commission wishes to lend its support to securing an exemption for performers in Wales from the smoking ban.

Please don't hesitate to contact me if we can provide further information on any of the above.

Kind regards

Samantha

Samantha Perahia
Senior Production Executive
British Film Commission

BAFTA – Letter to each political leader in Wales

Dear

Film and Television Smoking Exemption

In my capacity as Chair of BAFTA in Wales I wish to take this opportunity to express support for the proposed exemption set out in the Smoke Free Premises etc (Wales) (Amendment) Regulations 2012.

The portrayal of gratuitous smoking in television or film is not encouraged; however, the economic and artistic arguments in favour of an exemption as set out in the Explanatory Memorandum prepared by the Health Improvement Division are persuasive subject to the satisfaction of the following conditions which are endorsed:

- 1) the performance is given in connection with the making of a film or television programme;
- 2) the artistic integrity of the performance makes it appropriate for the performer to smoke;
- 3) there are no members of the public viewing the making of the television programme or film; and,
- 4) no children are present in the part of the premises that is not smoke-free and in which the performer would be smoking.

BAFTA in Wales supports you in ensuring an appropriate outcome.

Yours sincerely,

Dewi Vaughan Owen
Chair of BAFTA in Wales

RONDO Media – Email to Media Antenna manager, WG

From: Tom Ware

Sent: 05 October 2012 11:59

To: Wasdell, Judy

Subject: Anti smoking legislation vote on film sets

Hi Judy

I just wanted to add my voice to others in the industry regarding the imminent WAG vote on whether or not to ban smoking on film sets.

As an ex smoker and a father, I'm obviously not pro-smoking in any way or interested in promoting cigarette companies' advertising, but ASH's campaign seems to be a mishmash of misplaced morality. From our experience, continuing to insist that actors (even in period dramas such as The Indian Doctor) are not allowed to smoke on set creates additional expense and bureaucracy that will directly affect the cost and viability of filming in Wales - and by extension will disadvantage the Welsh TV & Film industry at a time when it has striven to be among the most competitive in the world.

Best regards

Tom Ware

Executive Producer, The Indian Doctor

Rondo Media