

Resources & Business Transformation

**Service Director: Legal & Democratic**  
Anne Davies

RECEIVED

24 JUL 2013

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**Your ref:**  
**My ref:** H 1/30 SC0004.9  
**Date:** 23 July 2013

Dear Sir/Madam

### **Public consultation on a Private Bill relating to Filming on the Highway**

Buckinghamshire County Council is considering the promotion of a private bill to gain legal powers to make it easier to film movies, television shows, advertisements and other film productions on the highway. We are therefore consulting the public and other organisations to hear your views.

#### **What will this Private Bill mean?**

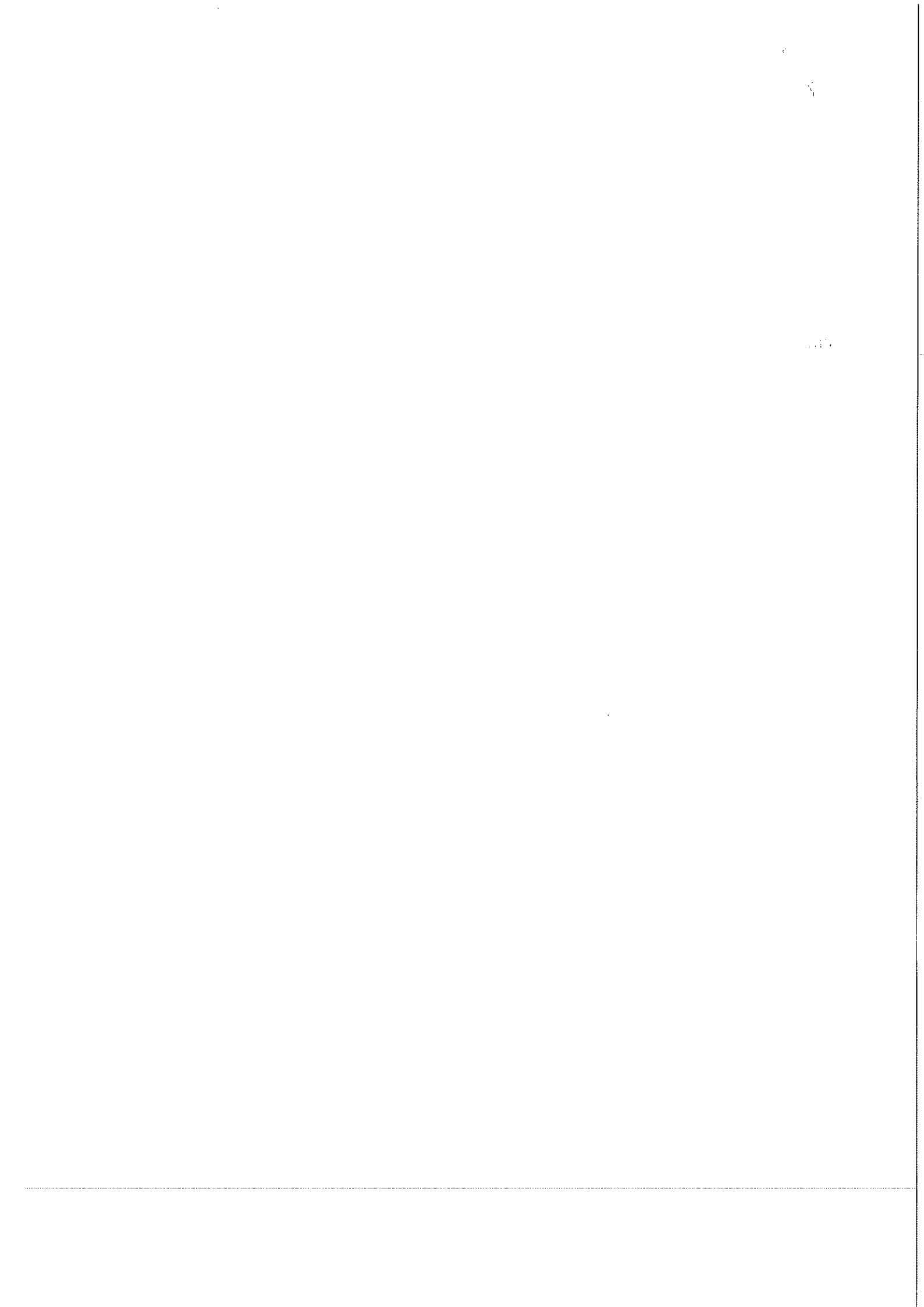
The Private Bill would give the county council additional powers to temporarily close roads, footways and public paths, or part of them, for filming. It will also allow us to authorise equipment such as static film cameras, lighting rigs or camera tracks to be placed on the roads for filming.

The powers will, among other things, alter section 16A of the Road Traffic Regulation Act 1984. This section already permits temporary highway closures for sporting events, social events and entertainment and the proposal is that filming be added to this list. The most recent example of the use of these powers was the various street parties that were successfully run throughout Buckinghamshire during the Royal Wedding, the Royal Jubilee celebrations and the Olympic Torch Relay.

At present there are no clear statutory powers available to all local highway authorities in England to enable filming on the highway. The London boroughs and Kent County Council have successfully obtained similar powers in Parliament to those we are considering.

#### **What does the Film & TV industry mean to Buckinghamshire?**





Buckinghamshire is a great location for filming and TV production with a long tradition and history of film making and television work and the county council has always worked hard to support the film industry, which is an important part of the Buckinghamshire economy.

Buckinghamshire is located within the 'super-region' of South East England, which accounts for approximately 60% of the UK's film and TV production. Buckinghamshire is home to 22 production companies which service different sectors of the industry including feature films, animation, TV digital production and corporate films. Pinewood Studios Group is a leading provider of studio and related services to the global film and television industry. Synonymous with world class British and international productions, the impressive heritage of its UK-Based Pinewood and Shepperton Studios dates back to the early 20<sup>th</sup> Century, with the studios home to some of the most successful feature films and TV shows ever made.

Adjacent to Pinewood Studios is Black Country Park, a popular film location, offering vast areas of heath and woodland. This 500-acre site, owned by the county council, has been used extensively for filming, by productions including: 'Snow White and the Huntsman' (2012) 'Kick Ass 2' (2013) and 'Jack Ryan' (2013). Creative England estimates the park's revenue generation for the county council at £120,000 in 2012 and £250,000 in 2011. Most recently West Wycombe Park, Ashridge Estate, Waddeson Manor, Basildon Manor and Hughendon Estate have hosted the following productions: A Little Chaos (2014), Maleficent (2014), Monuments Men (2013) and The Worlds End (2013) all of which were filmed in Buckinghamshire.

Buckinghamshire is also home to the National Film and Television School Located in Beaconsfield. The School employs 30 industry professionals, including Stephen Frears, who continue to work in the industry to keep their teaching relevant and fresh. The school produces roughly 100 films per year with around 220 students who film in and around Buckinghamshire. The School has notable alumni including David Yates (Director of Harry Potter) and Nick Parks (Creator/Director of Wallace and Gromit).

### **Why do it?**

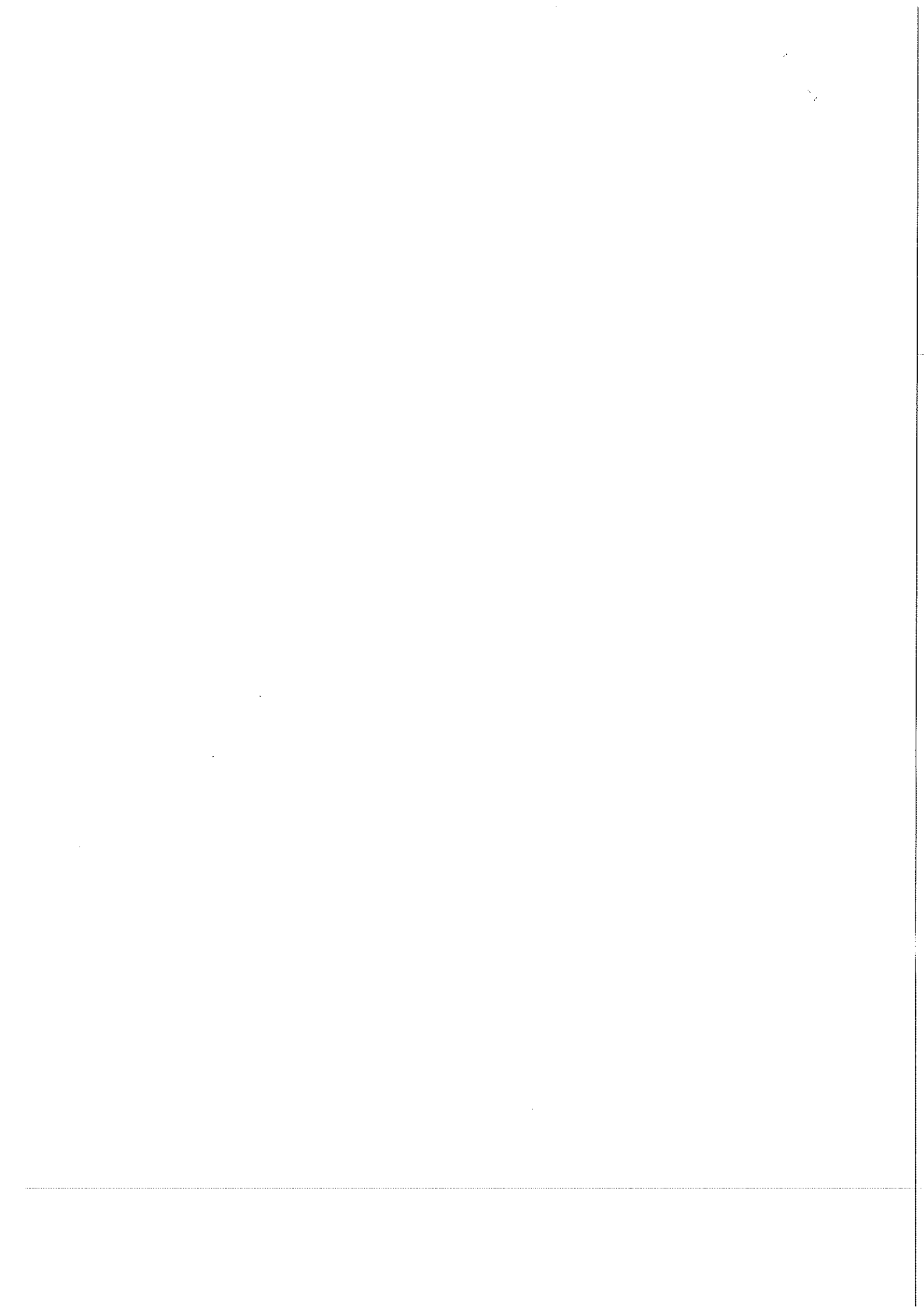
In the current challenging economic times, it is important that Buckinghamshire retains its position as a great place for film and television activity and one which offers genuine advantages to the film industry. As part of our commitment to increasing economic investment in the county and ensuring that Buckinghamshire benefits from their continued presence, we are keen to encourage more location shoots to take place.

The additional powers will provide production companies and independent film makers with the confidence of knowing they can agree filming schedules with us, and complete shooting programmes on time and within budget.

A large proportion of a film budget is spent on local facilities such as hotels, restaurants, retailers, transport companies, florists, construction materials, along with location fees and directly employed local people. It is estimated that for every £1 spent on production, £2.50 goes into the local economy<sup>53</sup>.

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53 Association of Film Commissioners International [AFCI] 1993 member survey average figure.



Film making is an expensive process but with our support, locations in Buckinghamshire can be identified and filming completed in the most efficient and cost-effective way so that the county gets the maximum benefit from hosting filming activities, whilst protecting access for occupiers and customers of premises at the selected location.

### **How will it affect you?**

Location filming already takes place around the county without disrupting everyday activity and these powers may see an increase in that type of activity. There are a number of groups that these additional powers may affect including local businesses and bus and utility companies, as well as users of the highway at large. We are keen to ensure that everyone who may be affected has the opportunity to contribute to the decision-making process.

Under the new powers, film companies will need to apply for a Notice or Order from the county council allowing them to film on the highway. The county council, together with the police, will consider these requests, approving them only where the impact on local business and communities is manageable and suitable plans are put in place by the film company to ensure that the general public and businesses can still move around the local area, access their premises and operate with a minimum of disruption.

As a highway authority, the county council already has considerable experience of operating and implementing temporary road closures for street parties and other events and for utility companies to carry out maintenance work. It is the intention of the county council to extend this tried and tested practice to effectively manage any future location filming on the county highways and minimise any disruption.

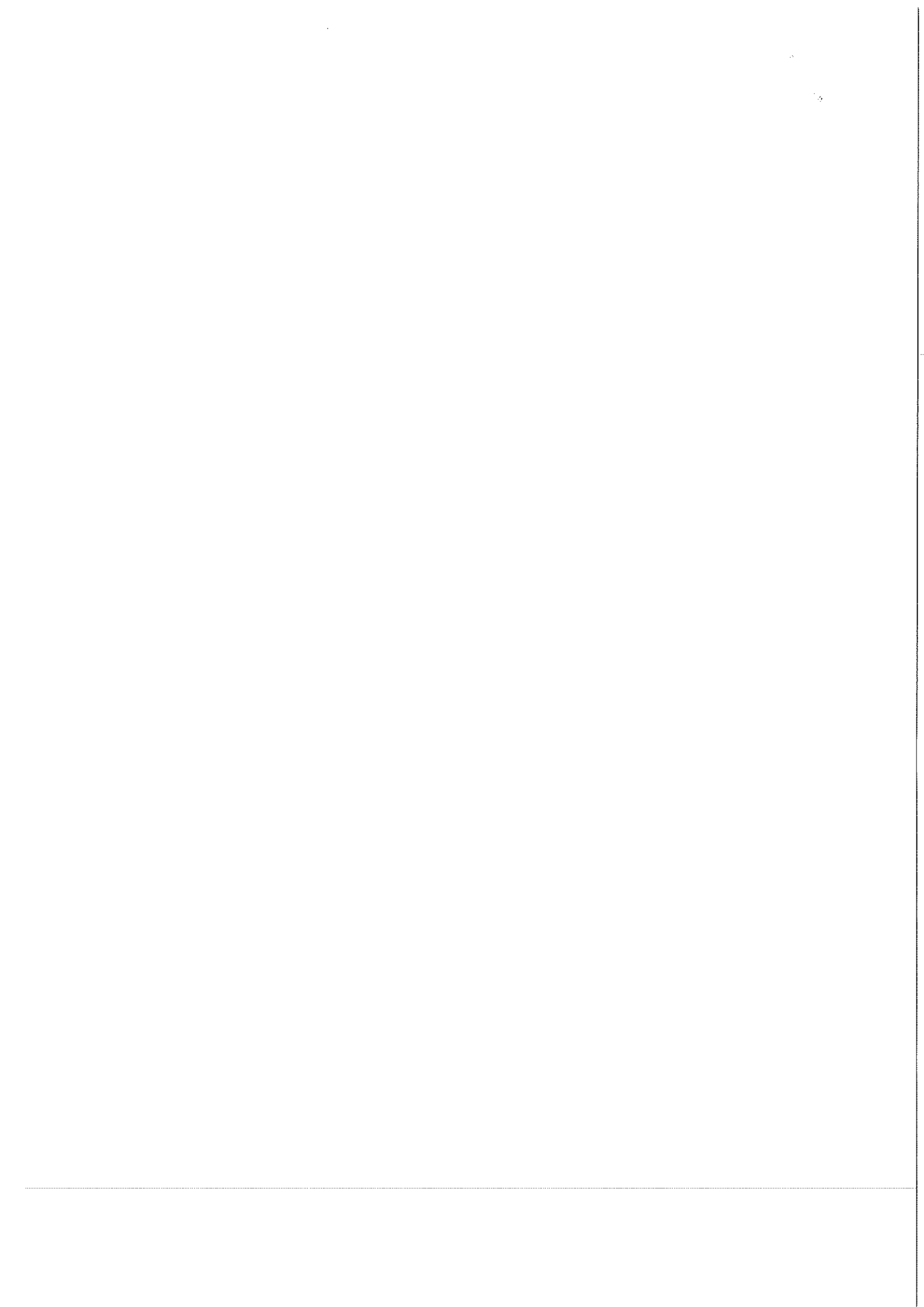
At present filming is carried out on the highway in an unregulated fashion and we believe that these additional powers will allow the county council to achieve appropriate control and better manage the process. Based on our previous experience, we are confident that we will be able to manage these additional powers to limit disruption to all road users, while encouraging increased filming activity.

Feedback from Kent and the London Boroughs has been positive and like them, we believe these additional powers can only be of benefit to the local community and businesses.

### **Let us know your views**

A final decision on whether the county council will proceed and deposit the proposed private bill in Parliament will be made at the county council's full council meeting which is presently scheduled for 19<sup>th</sup> September 2013. In order to consider all views on the proposal, we are carrying out this public consultation to enable any interested people, companies and groups to look at the draft bill and get in touch if they have any concerns or comments. The consultation is open from the 23<sup>rd</sup> July 2013 and will close on the **9<sup>th</sup> September 2013**.

### **Next steps**



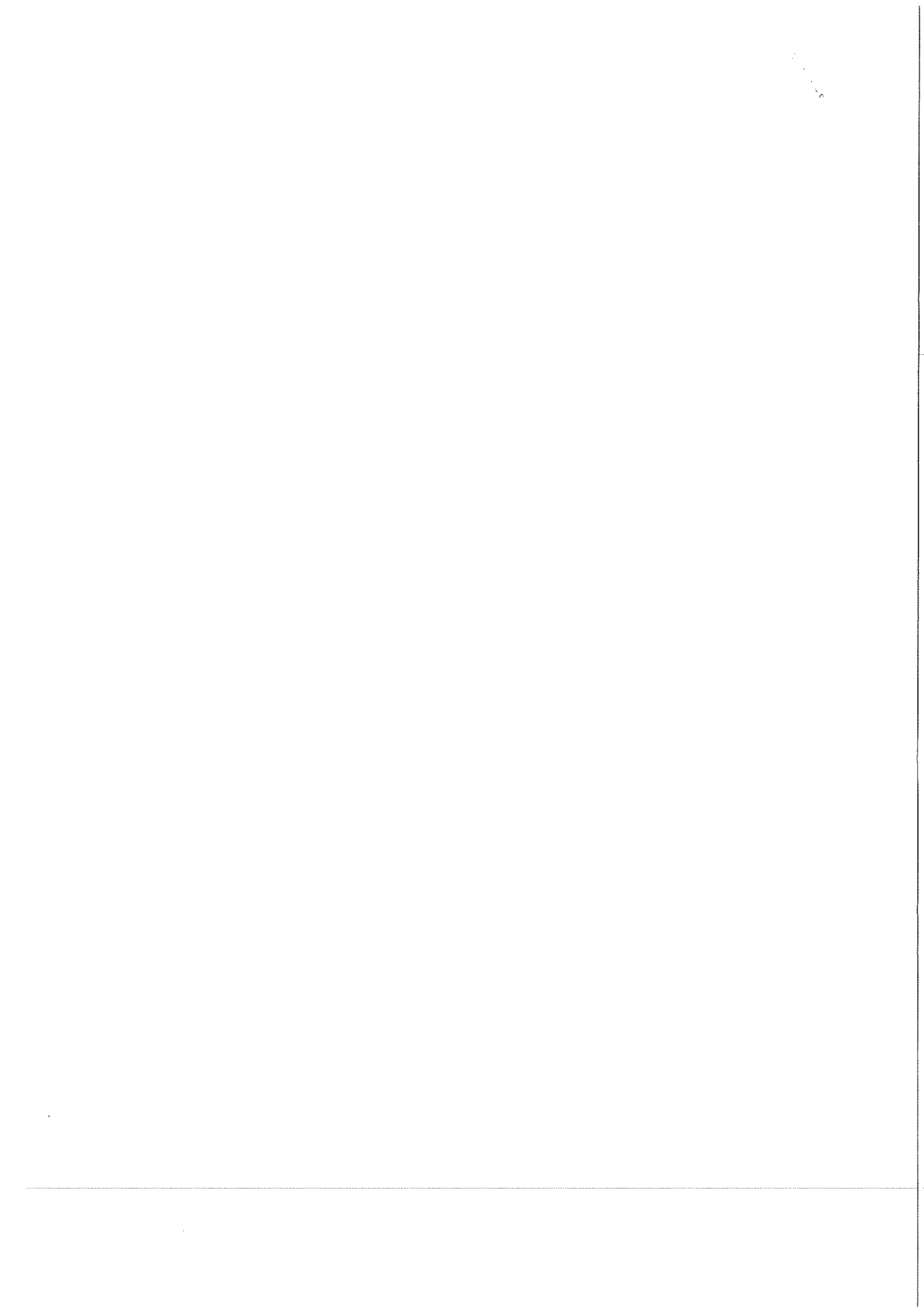
If there is broad support for the draft Bill, the next stage will be for the County Councillors to pass a resolution supporting the deposit of the draft Private Bill in Parliament in November 2013. The parliamentary process would then begin and the earliest that the draft Private Bill could be expected to receive Royal Assent and become law would be July 2014.

Anyone with a specific interest or concern regarding this proposal is invited to get in touch and discuss their views. A copy of the draft private bill is enclosed with this letter. It should be noted that it is subject to change before it is deposited in Parliament, if the county council were to decide to proceed. For more information, contact the Project Manager, Nazneen Ahmad by tel: 01296 383672 by email: [nahmad@buckscc.gov.uk](mailto:nahmad@buckscc.gov.uk) or Trish Eastham by tel: 01296 383634 by email: [peastham@buckscc.gov.uk](mailto:peastham@buckscc.gov.uk)

Yours faithfully

*Nazneen Ahmad*

**Nazneen Ahmad**  
**Solicitor**





## Buckinghamshire County Council (Filming on Highways) Bill

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### EXPLANATORY MEMORANDUM

This Bill is promoted by Buckinghamshire County Council.

The purpose of this Bill is to confer powers in relation to filming on highways on Buckinghamshire County Council.

*Clause 1* deals with citation.

*Clause 2* defines certain expressions used in the Bill.

*Clause 3* enables the council, by order or by notice, to prohibit or restrict traffic on roads for the purpose of enabling the making of a film to take place. It also enables closures for the purpose of enabling members of the public to watch the making of a film or to reduce the disruption to traffic likely to be caused by the making of a film. The clause modifies section 16A of the Road Traffic Regulation Act 1984 which provides powers to traffic authorities to close roads for the purpose of special events, such as cycle races. Notices can be issued to enable the immediate prohibition or restriction of traffic if it appears to the council that the prohibition or restriction should be imposed without delay.

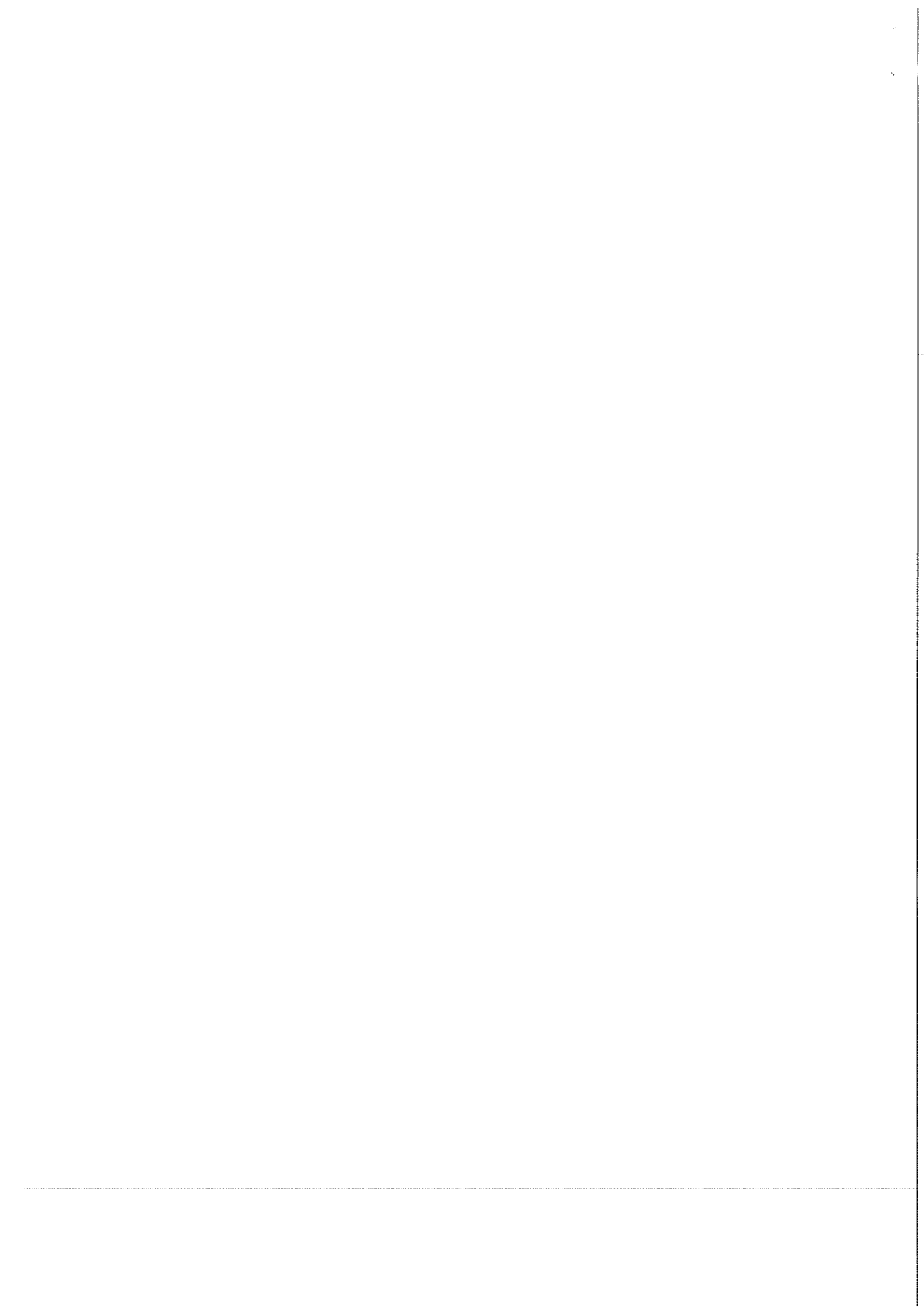
By altering the application of section 16B of the 1984 Act, *Clause 4* sets out restrictions which would apply to orders made and notices given for film making purposes. An order under *Clause 3* may not remain in force for longer than seven days whilst a notice under that clause may not continue in force for a period of more than 24 hours. Section 16B is also altered so as to prevent any more than six film orders being made in one calendar year without the consent of the Secretary of State as regards any stretch of road.

*Clause 5* alters the application of section 16C of the 1984 Act so as to make it an offence to contravene a film notice (in the same way that it is already an offence to contravene an order under section 16A, which would include a film order should the Bill be passed).

*Clause 6* enables the council to grant permission to any person making a film to place any object or thing required for the purposes of making a film on the highway temporarily and use objects or things so placed. It enables the council to place conditions on the granting of a permission, including conditions requiring the payment of a charge to the council to reimburse its reasonable expenses in granting the permission. The clause contains safeguards for statutory undertakers.

### EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of Buckinghamshire County Council the provisions of the Buckinghamshire County Council (Filming on Highways) Bill are compatible with the Convention rights.



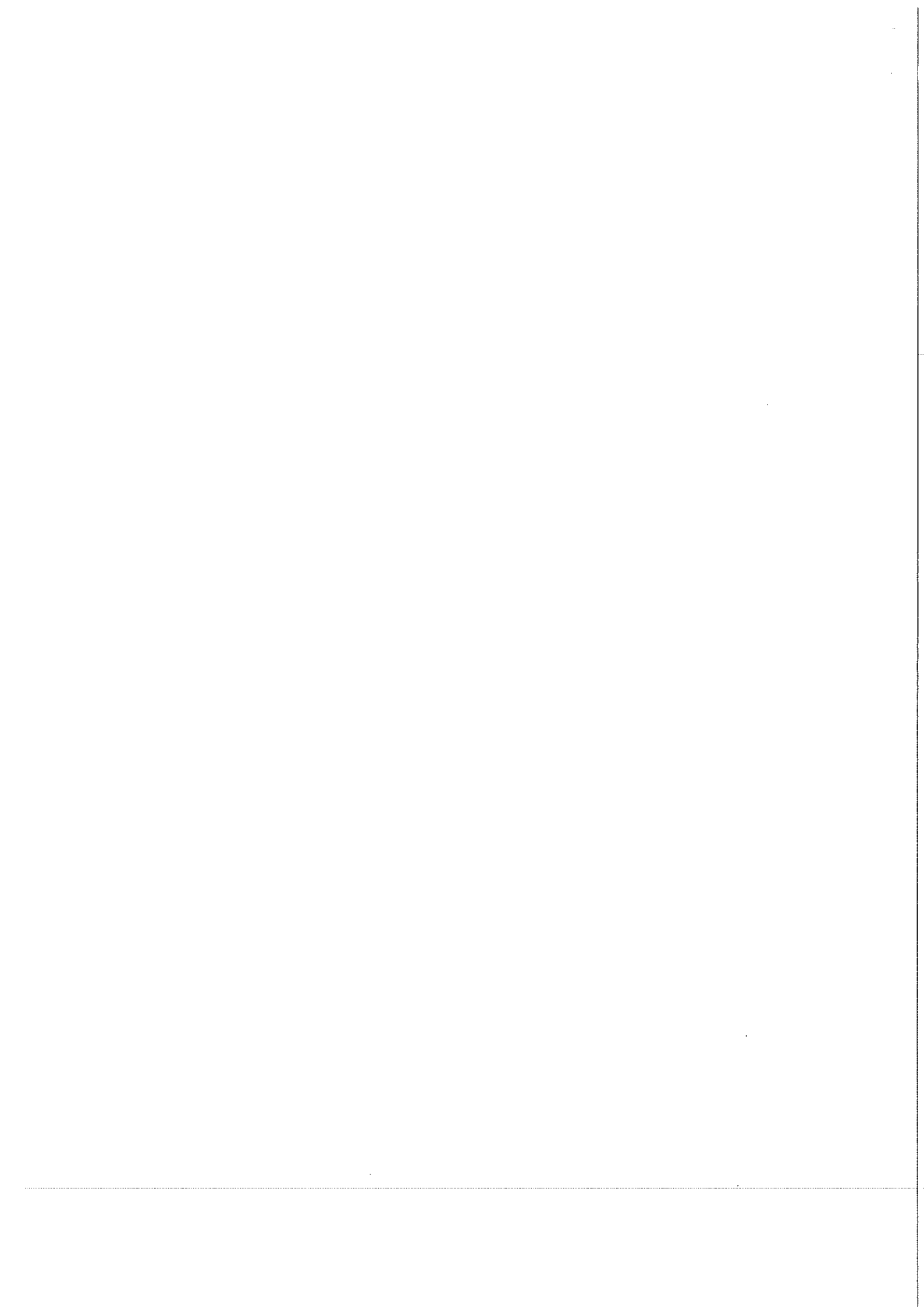
# Buckinghamshire County Council (Filming on Highways) Bill

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**B I L L**

To confer powers on Buckinghamshire County Council in relation to filming on highways; and for related purposes.

**W**HEREAS—

- (1) It is expedient that the powers of Buckinghamshire County Council (“the Council”) should be extended and amended as provided in this Act:
- (2) It is expedient that provision be made in relation to filming on highways in Buckinghamshire:
- (3) It is expedient that the other provisions in this Act be enacted:
- (4) The objects of this Act cannot be attained without the authority of Parliament:
- (5) In relation to the promotion of this Act the Council has complied with the requirements of section 239 of the Local Government Act 1972:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

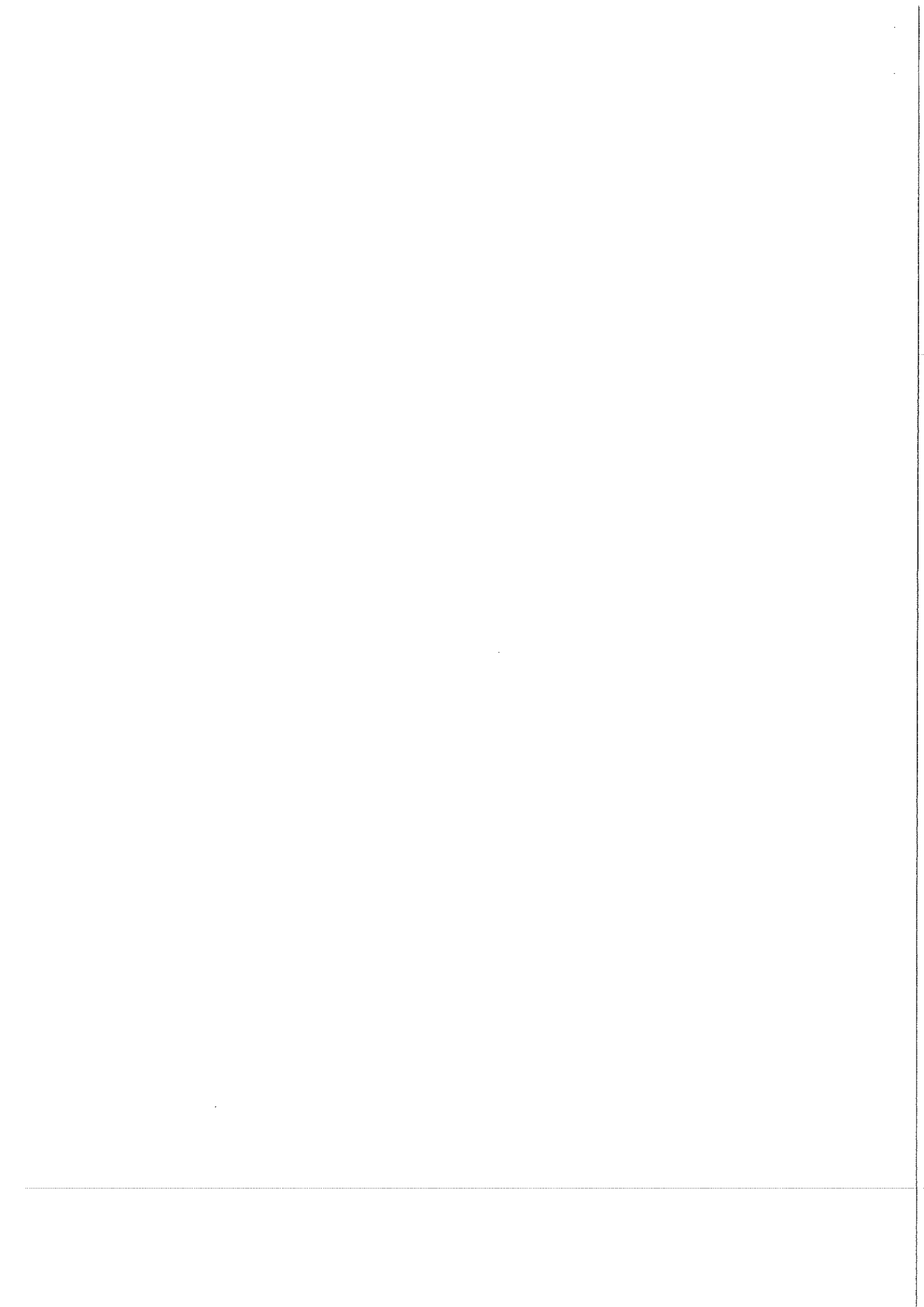
**1 Citation**

This Act may be cited as the Buckinghamshire County Council (Filming on Highways) Act 2014.

**2 Interpretation**

In this Act—

- “the 1984 Act” means the Road Traffic Regulation Act 1984; and  
“the Council” means Buckinghamshire County Council.



### **3 Prohibition or restriction on roads in connection with filming**

- (1) Section 16A of the 1984 Act (prohibition or restriction on roads in connection with certain events) shall apply to the Council, in its capacity as a traffic authority, with the following modifications.
- (2) The expressions “relevant event” and “the holding of a relevant event” include the making of a film.
- (3) After subsection (2), the following subsection is inserted—

“(2A) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that it is expedient for the making of a film that the restriction or prohibition should come into force without delay.”.
- (4) The references, in subsections (3), (5) and (7) to (10), to an order under section 16A include references to a notice under subsection (2A) of that section, as inserted by subsection (3) above, and references to the making of such an order include references to the issuing of such a notice.

### **4 Restrictions on film orders and notices**

- (1) Section 16B of the 1984 Act (restrictions on orders under section 16A) shall apply in the county of Buckinghamshire with the following modifications.
- (2) In subsection (1) after the words “three days” the words “(or seven days, in the case of a film order)” are inserted.
- (3) In subsection (6) the words “Subject to subsection (6A),” are inserted at the beginning.
- (4) After subsection (6), the following subsections are inserted—

“(6A) No more than six film orders may be made under section 16A in any calendar year so as to affect any length of road.

(6B) No film notice shall continue in force for more than 24 hours from the time at which it comes into effect.

(6C) As soon as reasonably practicable and in any event not less than 24 hours before the time at which it is to come into effect, a film notice shall be posted at each end of the road, or the part of the road, that is the subject of the notice.

(6D) In this section, “film orders” and “film notices” are orders and notices under section 16A of this Act which are made or issued in relation to the making of a film.”.
- (5) In subsection (7), for “subsection (6)” there is substituted “subsections (6) and (6A)”.

### **5 Supplementary provisions as to film orders and notices**

- (1) Section 16C of the 1984 Act (supplementary provisions as to orders under section 16A) shall apply in the county of Buckinghamshire with the following modifications.





**Buckinghamshire County Council (Filming on Highways)  
Bill**

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**B I L L**

To confer powers on Buckinghamshire County Council in relation to filming on highways;  
and for related purposes.

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SESSION 2013–14

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