

SFP - 56

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

Response from Pact: additional evidence

Submission to the Enterprise and  
Business Sub-Committee and the Health  
and Social Care Sub-Committee on the  
Smoke-free Premises etc. (Wales)  
(Amendment) Regulations 2012

**pact.**

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Supplementary evidence – February 2013

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## Supplementary evidence

As noted in our earlier submission to the Sub-Committee on the Smoke Free Premises inquiry, Pact strongly welcomes the draft amendment to create an exemption in the Smoke-free Premises etc. (Wales) legislation for performers where the performance is in connection with the making of a film or television programme.

There is a significant commercial need for a change to the legislation as currently drafted as this puts Wales at a disadvantage to England as a location for film and television production, given that scenes which involve smoking scenes need to be shot outside of Wales at additional expense.

In Committee, a Welsh Assembly Member asked whether Sherlock would have been filmed in Wales had it been a historical rather than contemporary drama.

In response, Sue Vertue from Hartswood Films noted that “had the Sherlock series included scenes in which Sherlock Holmes smoked a pipe – as the original character does in Arthur Conan Doyle’s books – and we were aware at the time of the restrictions over shooting these scenes in Wales, then we would have seriously had to assess whether Wales was the best place to shoot the series. The likely result being that we would have ended up filming the series in England. This would have resulted in a significant economic loss to the Welsh production industry as during the last season of Sherlock alone we spent over £1.5 million in Wales on such things as crew, materials, hotels and other expenses as well as regularly contributing to the training up of additional film personnel.”

Following discussions with the Committee staff, included in this supplementary submission are some examples of the health and safety measures adopted by television and film production companies in England with recent experience of filming a smoking scene, which is legally allowed for performances in England if the artistic integrity of the performance makes it appropriate for them to smoke.

Below are three recent examples of steps which have been taken by production companies filming scenes containing smoking in England. These illustrate the strict procedures and controls in place to ensure the protection of cast and crew at all times.

### Case study 1

In this production, the television production company took the following steps before filming a smoking scene in England:

- It sought permission from the filming location;

- It advised the local council;
- It arranged for standby props to be ready to that as soon as the 'cut' was called, the cigarette was stubbed out;
- It made sure that appropriate fire arrangements were in place (i.e. fire extinguishers close-by) and that there was an agreed chain of command for who would re-activate the smoke-alarms immediately after filming;
- Cast and crew were made aware of it in advance of any scenes containing smoking so that any pre-existing health issues could be discussed in advance.
- If an actor was required to smoke in a scene, this would be discussed and their permission sought as part of their contract;
- Only herbal cigarettes were used.

### **Case study 2**

In this television programme a character was depicted as a smoker. The television production company took the following steps to ensure the safety and well-being of the actress and all those involved in the filming:

- They sought permission from the actress and her agent;
- They made sure that only herbal cigarettes were used and that the character only smoked outside (not inside or in poorly ventilated areas);
- They made sure that the actress only smoked the cigarette where necessary, and where possible she was seen holding a lit cigarette;
- The smoking scene was noted on the call sheet and on the risk assessment for that location on that day;
- An announcement was made before filming the scene to provide crew the opportunity to step away.

### **Case study 3**

In this television programme, the following steps were taken to protect cast and crew from the effects of smoking:

- Herbal cigarettes must be used;
- It was put on the call sheet so that actors and crew were given the choice not to be present whilst filming those scenes. This decision was respected, even if it meant a camera-man leaving the scene;
- This was included in the risk assessment.

These are three good examples of the processes adopted by production companies in order to mitigate risks and protect their staff in cases where a smoking scene is necessary. It is important to note, however that, all smoking scenes in television programmes and films produced in England must be necessary for the artistic

integrity of the performance in order to meet the requirements in the legislation. This is something which all production companies take seriously.

Should a similar exemption to the smoke-free legislation in England be introduced in Wales, we are confident that film and television production companies would adopt the same stringent checks and balances to protect the welfare of their cast and crew if it was necessary for them to smoke or be exposed to cigarette smoke during the course of a production.

Should the Committee have any additional questions about these procedures, please contact Emily Davidson, Head of Policy at Pact at [emily@pact.co.uk](mailto:emily@pact.co.uk)