



WEST MIDLANDS PRODUCTION FUND GUIDELINES

These guidelines are for prospective applicants to Creative UK's West Midlands Production Fund (WMPF).

About Creative UK

Creative UK invests in talent and production for Film & TV, with a track record of successful, acclaimed content across media and platforms. Our support encompasses script development and production assistance for a range of content including shorts, features and high-end TV, as well as development programmes for new and emerging filmmaking talent, and for sales and distribution executives.

West Midlands Production Fund

The WMPF supports the development of the West Midlands as a dynamic, sustainable film and TV fiction hub by providing access to production finance for screen SMEs.

The eligible West Midlands geographical region comprises the counties of Staffordshire, Warwickshire and Worcestershire, the unitary authorities of Shropshire, Herefordshire, Stoke-on-Trent and Telford and Wrekin, and the seven metropolitan districts of Birmingham, Coventry, Solihull, Wolverhampton, Dudley, Sandwell and Walsall (the latter four known as the Black Country).

Previous fund investments have included *Small Axe*, *DI Ray*, *Murder Before Evensong*, *Retreat*, *The Colour Room*, *Benediction*, *The Girl with All the Gifts*, *Jawbone*, *Spooks: The Greater Good*, *Nativity 2*, *Hustle*, *Line of Duty* and *Dancing on the Edge*.

The Fund is part-financed by the European Regional Development Fund (ERDF) programme 2007–2013, via the ongoing recoupment of finance from previously successful investments.



EUROPEAN UNION
Investing in Your Future
European Regional
Development Fund 2007-13

What can I apply for?

The Fund can support the production of:

- Feature films of all genres; and
- High-end TV drama (series, limited series and singles).

The Fund can support feature animation and documentary, but only where they meet regional spend expectations and can demonstrate clear commercial potential. The Fund cannot support the cost of development and packaging or the production of short films, pilots, low or micro-budget features, games, immersive or other kinds of television programme or format.

At the time of application your project will need to have a director and producer formally attached, be packaged and budgeted, with a finance plan in progress and sales/distribution strategy in place. Your company must own, or have under option, the relevant rights in the project. The fund is unable to offer 'first in' finance and can only commit to an investment once the finance plan, match funding and recoupment schedule are approved.

Your project must be capable of scoring 11 points or more in our Regional Test (see Appendix 1) to be considered eligible.

All successful projects must evidence a clear commercial strategy and demonstrate a realistic expectation of a return on our investment.

How much can I apply for?

The Fund can generally invest between £100,000-500,000 in any one feature film or TV drama production. The Fund can invest a mixture of both debt (by way of gap, pre-sales discounts, distributor advances) and equity, the balance and terms of which is determined with the Applicant if a project progresses through the assessment process.

The level of the Fund's overall investment will be a minority proportion of the finance plan commensurate with the proposed budget; higher-level awards can only be made to projects that carry a compelling prospect of commercial return as well as significant regional impact.

Any investment by the Fund – either as debt or equity - must be matched £ for £ by an equivalent amount of private and/or public sector risk finance, on terms to be agreed. Co-investment from public or quasi-public investors such as the BFI, BBC and Channel 4 may be treated as a proportion of eligible match in addition to finance from independent private sector investors; however non-risk income such as tax reliefs, broadcast licence fees or distribution minimum guarantees cannot be considered an eligible match.

Projects attracting significant levels of private investment will be viewed by the Fund as higher priority applications.

Who can apply?

Applications must be made through a company registered in the UK or another state of the European Union or European Economic Area and/or registered as a subsidiary in the UK.

Applicants must be a qualifying unlisted SME under the existing European Union definition¹ and its principals will be expected to demonstrate a strong track record of success in the production of screen content.

Successful applicants who are not already situated in or trading from the West Midlands will be required to register and maintain an active trading company in the region for an agreed period from the date of any investment by the Fund.

Deadlines & Decision Timetable

WMPF is a rolling fund and there is no current deadline for applications.

It may take at least 8 weeks to process your application and to reach a funding decision, depending on how advanced your project is in terms of packaging and financing. You should ensure that the start dates of your project reflect this timescale and requirement.

It is not possible to give a firm funding commitment without a clear indication of who the co-financiers are and what the recoupment proposal is; a delayed decision is usually due to the lack of such information or clarity at the point of application and consideration.

How to apply

All prospective applicants must submit an Expression of Interest (EOI) online prior to making a full application. The EOI allows us to consider whether your project is eligible for the Fund and approve a full application before it is undertaken.

Please read these guidelines in full before submitting an EOI; once the guidelines have been fully understood, the EOI can be submitted via the Creative UK portal:

<https://portal.wearecreative.uk/applications/west-midlands-production-fund>

Your EOI will be considered within 10 working days of submission and be approved, declined or kept 'pending'. Any feedback or advice we give is not part of a formal assessment and should not be considered an endorsement of your project or a guarantee of funding.

Should we approve the EOI, you will receive a link allowing you to complete and submit an application online. We regret that we cannot accept applications by hard drive/disc, email/upload or post except in exceptional circumstances and by prior arrangement at our discretion.

As part of your full application, you will need to submit the following information:

- Evidence of appropriate rights ownership/control (Option, Rights Agreements)
- Full screenplay
- Production budget and schedule

¹ https://single-market-economy.ec.europa.eu/smes/sme-fundamentals/sme-definition_en

- Finance plan
- Detailed commercial plan for your project with appropriate sales agent and distributor attachments, revenue estimates and letters of intent.

Following submission, you will receive notification that we have received your application (please check your filtered mail - if you do not receive such confirmation following submission, please email us using the Contact details below.)

All applications are checked for eligibility against the guidelines. We are unable to progress ineligible applications but may at this stage allow you to correct an error if it is the sole reason for ineligibility.

Assessment and Selection Criteria

Eligible applications will be assessed by Creative UK's Film & TV team. We may also use external assessors and/or consultants as required.

In addition to scoring your project in accordance with the Regional Test, your proposal will be assessed against the following criteria:

- The creative merits/strengths of the project.
- The abilities and track record of the core team (director, producer, writer) and any identified partners, and their creative, technical and managerial capacity to deliver the project.
- The viability of the proposed budget, schedule and finance plan.
- The market potential of the project, and the likelihood of recouping the Fund's investment and generating a financial return.
- The availability and levels of private sector/other public sector investment leveraged by the Fund's proposed investment, together with their terms and conditions.
- The broader impact of the project upon the economic development of the West Midlands.

It may be necessary to request a meeting with you or additional information in order to complete a full assessment and to carry out corporate and financial due diligence. We will inform you if these have a material impact on our decision-making timescales.

This Fund is highly competitive. Even if your application meets all the above criteria, we still may not necessarily be able to invest in your project.

Funding Decisions

Following assessment and due diligence, the Head of Film & TV will either decline your application or make a recommendation for investment to the West Midlands Production Fund Investment Panel.

As well as considering the individual merits of each recommended proposal, the Investment Panel will also consider the overall availability of monies through the Fund, the agreed spending profile for the Fund and the risk/reward profile of the existing investment portfolio.

The Investment Panel may from time to time call upon independent experts or industry professionals operating under NDA for their advice/counsel but these have no direct voice in or voting rights with respect to any investment decisions.

The decision of the Investment Panel with respect to all investments by the Fund is final.

All successful and unsuccessful applications will be confirmed in writing as soon as possible after an investment decision has been made.

Investments and Conditions

If your application is successful, you will be sent an offer letter that sets out the terms and conditions of our investment. Please refer to Appendix 2 of these guidelines for details of our standard conditions for investments and expectations of the Fund.

An offer of investment will remain open for a specified time to allow the agreed finance plan to be secured. After this time, the offer of funding may lapse unless extended at our sole discretion.

It is a condition of any investment that successful applicants co-operate with Creative UK and its related funding partners in any PR and press activity relating to their project.

Feedback

Due to the volume of interest that we receive, we regret that we are unable to give formal written feedback on all unsuccessful expressions and applications to this Fund.

Retention of Information

The information provided in applications and supporting materials is held securely by Creative UK for the purposes of assessing applications, monitoring our activities and preparing statistics. Any sensitive data, such as diversity monitoring, will be held anonymously.

Resubmission

We can only reconsider declined projects if there have been significant and substantive changes or major new elements have been attached and/or secured since the last application. All resubmissions must be discussed with and agreed by us in advance and remain at our sole discretion; we are not obliged to reconsider previously declined applications.

Speculative Submissions

We regret that we are unable to read scripts or consider projects that are not being formally submitted through the application process.

Appeals and Complaints

Creative UK's decision in all matters concerning the assessment and selection of projects for investment is final. Inevitably, applicants may be turned down and may be disappointed as a result.

Applicants who wish to make an appeal against an investment decision can only do so if they have good cause to believe that the correct procedures, as published in these guidelines, have not been adhered to or applied in such a way as to prejudice the outcome of an application.

Creative UK's complaints procedure is part of our wider [Commitment Charter](#).

Contact

If you have queries on the process, eligibility or the application process for the West Midlands Production Fund that are not answered in these guidelines, please email productionfunding@creativeengland.co.uk quoting 'WMPF Query' in the subject header. Please note we will not be obliged to respond to queries that are already answered in these guidelines.

Whilst the information and advice in these guidelines is believed to be accurate at the time of publication, Creative UK reserves the right to make changes at any time at its discretion. Neither Creative UK nor any of its partners shall be responsible for any loss attributable to errors, omissions or other inaccuracies in the information contained in these guidelines.

Appendix 1:

Regional Test for submissions to the West Midlands Production Fund.

1. Filming in the Region

Filming activity includes pre-production, the location of the unit base, shoot etc, regardless of where the story itself takes place. The percentage of filming activity is measured by time spent in the region.

7 points will be awarded if at least 75% of the filming activity is based in the West Midlands.

6 points will be awarded if at least 50% of the filming activity is based in the West Midlands.

3 points will be awarded if at least 25% of the filming activity is based in the West Midlands.

2. Creative Hubs

This considers the amount of filmmaking activity, other than principal photography, that takes place in the region. This includes Music Recording, Audio Post Production, Picture Post Production and voice recording (documentaries).

1 point will be awarded if 50% of ONE of these activities takes place in the West Midlands.

2 points will be awarded if 50% of TWO of these activities takes place in the West Midlands.

5 points will be awarded if 50% of THREE of these activities takes place in the West Midlands.

3. Regional theme

3 points will be awarded if the film depicts a story from or dealing with the West Midlands.

4. Writer/Producer/Director

1 point will be awarded if the Writer is based in or is from the West Midlands.

1 point will be awarded if the Director is based in or is from the West Midlands.

1 point will be awarded if the Individual Producer, Co-Producer or Line Producer is based in or are from the West Midlands.

A further bonus point will be awarded if all 3 are based in or are from the West Midlands.

5. Lead Actors

1 point will be awarded if at least one of the leading actors is based in or is from the West Midlands.

6. Cast

2 points will be awarded if at least 50% of the cast (including extras) by number are based in the West Midlands. This excludes lead actors who are counted in the 'Lead Actors' section above.

7. Heads of Department

1/2 point will be awarded for every Head of Department that is based in the West Midlands up to a maximum of 3 points.

8. Crew

The number of crew excludes those who are counted in the Heads of Department section above.

5 points will be awarded if at least 75% of the crew are based in the West Midlands.

4 points will be awarded if at least 50% of the crew are based in the West Midlands.

3 points will be awarded if at least 25% of the crew are based in the West Midlands.

9. Trainees

1 point will be awarded if the production takes on trainees from the West Midlands.

Appendix 2:

If you are successful in your application to the West Midlands Production Fund you will be required to enter into an agreement with Creative UK that sets out the terms and conditions of our investment. These are likely to include, and are not restricted to, the following:

1. You will need to establish clear chain of title to your project and demonstrate that you have or can acquire the rights necessary to produce and fully exploit your project.
2. We will pay our investment to a limited company registered in and actively trading from the West Midlands 2007 – 2013 Operational Programme Area. This company must be an unlisted SME (https://single-market-economy.ec.europa.eu/smes/sme-fundamentals/sme-definition_en) that has either (i) not been operating in any market and has yet to make its first sale, or (ii) has been operating in any market for less than 7 years following its first commercial sale. It will be a requirement of our investment that the company continues to be registered in and actively trading from the West Midlands for an agreed period from the date of our investment.
3. We will require certain approvals over your project including the terms of other finance, the identity and terms of engagement of the sales agent and all distributors, all documentation prepared in relation to the project, key elements (including writer, director, individual producer, principal cast and principal crew), the production budget, cashflow schedule, production schedule, the recoupment schedule and insurance policies.
4. In order to comply with state aid requirements, you must ensure compliance with the latest UK Subsidy Control regime: <https://www.gov.uk/government/collections/subsidy-control-regime>
5. Our investment will be remitted to a separate dedicated production account set up by the company for the project. We will not commence cashflowing of our investment until:
 - all necessary legal agreements relating to the financing, sales and distribution of the project have been executed and all commitments and conditions precedent required for financial and legal closing have been satisfied;
 - payment of the equivalent private and/or public sector match investment has been made into the production account and has been verified by a certified copy of the relevant bank statement or bank transfer documentation.
6. We may hold back a proportion of our investment until formal delivery and completion.
7. You may be required to assign a share of copyright in the project to Creative UK.
8. We may take a security interest over the company receiving our investment and over any co-producer of the project.
9. Your production budget should normally allow for the clearance of worldwide rights in all media in perpetuity from all individuals and organisations who are contributing to or whose material is featured in the project.

10. You will be required to ensure that your project is produced in accordance with the requirements of all unions and guilds having appropriate jurisdiction and all legislative requirements, both National and EU, including those concerning National Minimum Wage.

11. You will be required to comply with the relevant European Union requirements as regards procurement, equal opportunities, environmental policy and document retention.

12. You will be required to put in place all customary production insurances (including Errors and Omissions) with Creative UK named as an additional insured.

13. You will be required to provide certain delivery materials to Creative UK, the cost of which must be included in your budget.

14. Your final approved production budget must allow for and include our agreed legal and finance/fund management fees due on closing of finance.

15. All revenues from the project should be collected by an independent collection agent, with Creative UK having approval over their identity and terms of engagement; however, we can consider alternative collection arrangements where there is an established and approved collection partner/process in place.

16. During production, we will require access to all relevant information about your project and to be able to attend during any stage of production. We normally expect consultation rights over the assembly and all cuts of the project together with a shared right of approval over the final cut alongside other financiers, where appropriate.

17. You will be required to meet any commitments made in your application regarding the Regional Test and provide monitoring information with respect to the expenditure on goods and services in the West Midlands in connection with the project and the number of jobs to be created during the project for people permanently resident in the West Midlands. You will also be required to provide on-going monitoring information as may be reasonably required by Creative UK and its relevant funding partners in order to measure the impact and outcomes of our investment.

18. You will be required to comply with Creative UK's West Midlands Production Fund branding requirements. These include providing Creative UK and the European Regional Development Funding programme with an appropriate onscreen credit on your project as well as a credit in all related materials. Where a Creative UK executive has engaged with your project in a substantive manner, you should provide an Executive Producer credit to them. You will also be expected to co-operate with Creative UK and its relevant funding partners in any PR and press activity relating to your project and our investment in it.

19. All projects supported with production funding will be required to demonstrate a commitment to training and skills development through their active participation in appropriate intern, trainee and/or apprenticeship schemes. In addition, the producer, writer and director shall make themselves available, subject to professional commitments, to providing mentoring and/or industry training as we may reasonably request.

20. You will be expected to abide by any City Council or Local Authority codes of conduct in relation to project permits, etc. You may be asked to participate in the marketing of any Filming in England support and provide access to the project in order to promote the West Midlands as reasonably required.