

Music Licence Policy

Issue Date	Review Date	Version
January 2021	January 2026	2

Purpose

University Hospitals Plymouth NHS Trust must legally hold a music license to allow the playing of copyrighted music aloud within its premises. License to play music is required regardless of the ownership of any other type of licence, i.e. TV license etc.

The purpose of this policy is to manage the playing of copyrighted music within any premises owned and managed by University Hospitals Plymouth NHS Trust, and to ensure that the Trust remains legally compliant with its obligations.

Who should read this document?

This policy applies to all persons employed by University Hospitals Plymouth NHS Trust and any contractor employed by the Trust to carry out work within the buildings or grounds.

Key messages

Under the Copyright, Designs and Patents Act 1988, the Trust is legally required to hold a Performing Rights Society Licence (PRS) and a Phonographic Performance Ltd Licence (PPL) in order to play music aloud within its premises.

Failure to hold these licences would put the Trust in breach of copyright law and could potentially lead to legal action being taken against the Trust by one or both licensing bodies.

The following modes of playing music all fall under the licensing requirements:

- Radios/CD Players
- Personal CD Players (exempt if headphones are used)
- MP3 Player (exempt if headphones/earphones are used)
- Music Video played via television
- Hold Music via the Telephone Systems
- Live performances

This policy applies to the following non clinical areas within the Trust where a license must be obtained before any copyrighted music is played aloud.

- Offices
- Dining Facilities (including staff break/rest rooms)
- Lobbies
- Reception Areas
- Waiting Areas
- Shop Floors (i.e. store rooms, loading bays, kitchens etc.)

Licences are not required where the music being played is not copyrighted or is out of copyright. Information with regard to Copyright Law can be found at the following link:

<https://copyrighthouse.org/copyright/learning-centre.htm>

A budget number must be supplied and a registration form (Appendix 4) must be completed for all areas/departments wishing to play copyrighted music.

Accountabilities		
Production	Facilities Project Manager	
Review and approval	Trust Management Executive	
Ratification	Director of Planning and Site Services	
Dissemination	Facilities Project Manager	
Compliance	Facilities Project Manager	
Links to other policies and procedures		
Version History		
1	January 2015	Initial Document
2	January 2021	Revised and reformatted. Ratified by the Director of Planning & Site Services

The Trust is committed to creating a fully inclusive and accessible service. By making equality and diversity an integral part of the business, it will enable us to enhance the services we deliver and better meet the needs of patients and staff. We will treat people with dignity and respect, promote equality and diversity and eliminate all forms of discrimination, regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity.

An electronic version of this document is available on the Trust Documents. Larger text, Braille and Audio versions can be made available upon request.

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1 Introduction

University Hospitals Plymouth NHS Trust must legally hold a music license to allow the playing of copyrighted music aloud within its premises. License to play music is required regardless of the ownership of any other type of licence, i.e. TV license etc.

The Copyright, Designs and Patents Act 1988 states that if you use copyrighted music in public, you must first obtain the permission of every writer or composer of the music you intend to play; thus a music license is required.

The music licenses give legal permission to play copyrighted music controlled by the regulatory body. Without such licences, the Trust is in breach of copyright law and could potentially be taken to court by one or both licensing bodies.

Licence requirements apply to all non-clinical areas and some patient areas as noted below.

- Offices
- Dining Facilities (including staff break/rest rooms)
- Lobbies
- Reception Areas
- Waiting Areas
- Shop Floors (i.e. store rooms, loading bays, kitchens etc.)

Licences are required for these areas wherever music is being played aloud. A licence is not required where an individual is listening to music via headphones/earphones, regardless of the source.

Direct Patient Care Clinical Areas are exempt from this policy; Wards, Theatres, Treatment Rooms etc.

2 Purpose, including legal or regulatory background

The purpose of this policy is to provide guidance to staff on the regulation surrounding the playing of copyrighted music and to manage the playing of music to ensure that the Trust remains legally compliant.

3 Definitions

Copyright Music: Music is unique in that every track has two copyrights. One of these is a copyright in the song i.e. the musical composition, which consist of the lyrics and underlying music (beat, instrumental). The other is a copyright in the sound recording or “master recording” itself.

Copyright, Designs and Patents Act 1988: This is the current UK copyright law. It gives the creators of literary, dramatic, musical and artistic works the right to control the ways in which their material may be used and to be paid for it.

The Trust: University Hospitals Plymouth NHS Trust

PPL: Phonographic and Performance Ltd

PRS: Performing Rights Society

In Public: For the purpose of this policy, “In Public” relates to any area, which is not a Direct Patient Care Area, and where music is played and can be heard by more than one person, i.e. offices, waiting rooms, store rooms etc.

4 Duties

Chief Executive

The Chief Executive is responsible for overseeing this policy to and to ensure its correct application.

Director of Planning and Site Services

The Director of Planning and Site Services will be the named executive lead for this policy.

The Facilities Project Manager

The Facilities Project Manager will be responsible for ensuring that all staff are fully aware of this policy and their responsibilities therein, and for ensuring that there are procedures in place to ensure that the Trust complies with legal requirements.

Matrons, Heads of Departments and Service Leads

Matrons, Heads of Department and Service Leads are responsible for:

- Identifying a lead person to be responsible for the implementation and enforcement of the Trust obligations with regard to this policy.
- Obtaining and holding the relevant licences for the playing of music in areas as noted in this policy.
- Carrying out annual reviews to ensure that licences are up-to-date, and that any new areas within the department have been sanctioned to play copyrighted music.
- Ensuring that, in areas where the playing of music aloud has been prohibited, steps are taken to ensure that the ban is monitored.

Contractors

The playing of music whilst carrying out work on Trust premises is not permitted for any contractor, including the use of personal music devices.

Staff

All Trust staff must:

- Familiarise themselves with this policy and their responsibilities therein.
- Comply with all aspects of this and any associated policies.

5 Key elements (determined from guidance, templates, exemplars etc.)

The Copyright, Designs and Patents Act 1988 states that if you use copyrighted music in public, you must first obtain the permission of every writer or composer of the music you intend to play. The Trust therefore, is legally required to hold a Performing Rights Society Licence (PRS) and a Phonographic Performance Ltd Licence (PPL) in order to play music aloud within its premises.

Failure to hold these licences would put the Trust in breach of copyright law and could potentially lead to legal action being taken against the Trust by one or both licensing bodies.

Licences are required in areas wherever copyrighted music is played aloud; except those areas which provide 'Direct Patient Care to NHS Patients', i.e. wards, theatres, clinic rooms.

Licences are not required when an individual is listening to music through headphones/earphones, regardless of the source of the music.

The cost of an individual licence will vary depending on the audible area in square meters. For example, at the time of writing (December 2020), a licence for an office area of between 1-600 square metres, would be £146.30 excluding VAT. This fee would increase depending on the audible area.

Other areas such as reception areas are calculated by the number of areas. Further details can be found at: <http://www.ppluk.com/>.

The following modes of playing music all fall under the licensing requirements:

- Radios/CD Players
- Personal CD Players (exempt if headphones/earphones are used)
- MP3 Player (exempt if headphones/earphones are used)
- Music Video played via television
- Hold Music via the Telephone Systems
- Live performances

This policy applies to the following non clinical areas within the Trust where a license must be obtained before any copyrighted music is played aloud.

- Offices
- Dining Facilities (including staff break/rest rooms)
- Lobbies
- Reception Areas
- Waiting Areas
- Shop Floors (i.e. store rooms, loading bays, kitchens etc.)

Licences are not required where the music being played is not copyrighted or is out of copyright. Information with regard to Copyright Law can be found at the following link:

<https://copyrighthouse.org/copyright/learning-centre.htm>

The Department Manager/Lead for any area/department wishing to play copyrighted music must complete the application at Appendix 4 and supply a budget number for payment of the relevant license.

6 Overall Responsibility for the Document

The overall responsibility for this document sits with the Facilities Project Manager.

7 Consultation and Ratification

The design and process of review and revision of this policy will comply with The Development and Management of Trust Wide Documents.

The review period for this document is set as default of five years from the date it was last ratified, or earlier if developments within or external to the Trust indicate the need for a significant revision to the procedures described.

This document will be approved by the Trust Management Executive and ratified by the Director of Planning and Site Services.

Non-significant amendments to this document may be made, under delegated authority from the Director of Planning and Site Services, by the nominated author. These must be ratified by the Director of Planning and Site Services and should be reported, retrospectively, to the approving group or committee.

Significant reviews and revisions to this document will include a consultation with named groups, or grades across the Trust. For non-significant amendments, informal consultation will be restricted to named groups, or grades directly affected by the proposed changes.

8 Dissemination and Implementation

Following approval and ratification, this policy will be published in the Trust's formal documents library and all staff will be notified through the Trust's normal notification process.

Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.

The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the named Executive Director and for working with the Trust's training function, if required, to arrange for the required training to be delivered.

9 Monitoring Compliance and Effectiveness

Matrons, Heads of Department and Service Leads will be responsible for:

- Identifying a lead person to be responsible for the implementation and enforcement of the Trust obligations with regard to this policy.
- Obtaining and holding the relevant licences for the playing of music in areas as noted in this policy.
- Carrying out annual reviews to ensure that licences are up-to-date, and that any new areas within the department have been sanctioned to play copyrighted music.
- Ensuring that, in areas where the playing of music aloud has been prohibited, steps are taken to ensure that the ban is monitored.

10 References and Associated Documentation

Performing Rights Society (PRS):

<http://www.prsformusic.com/users/businessesandliveevents/livevenueevents/soundadvice/aguidetolicences/Pages/aguidetolicences.aspx>

Phonographic Performance Ltd (PPL): <http://www.ppluk.com/>

Copyright House: <https://copyrighthouse.org/copyright/learning-centre.htm>

Estates Contractor Induction

Safe Employment of Contractors Policy

Core Information				
Document Title	Trust Music Licenses			
Date Finalised	January 2021			
Dissemination Lead	Facilities Project Manager			
Previous Documents				
Action to retrieve old copies.	Removal from Trust Documents			
Dissemination Plan				
Recipient(s)	When	How	Responsibility	Progress update
All staff		Email	Document Control	

Review		
Title	Is the title clear and unambiguous?	Yes
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	Yes
	Does the style & format comply?	Yes
Rationale	Are reasons for development of the document stated?	Yes
Development Process	Is the method described in brief?	Yes
	Are people involved in the development identified?	Yes
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	Yes
	Is there evidence of consultation with stakeholders and users?	n/a
Content	Is the objective of the document clear?	Yes
	Is the target population clear and unambiguous?	Yes
	Are the intended outcomes described?	Yes
	Are the statements clear and unambiguous?	Yes
Evidence Base	Is the type of evidence to support the document identified explicitly?	Yes
	Are key references cited and in full?	Yes
	Are supporting documents referenced?	Yes
Approval	Does the document identify which committee/group will review it?	Yes
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	n/a
	Does the document identify which Executive Director will ratify it?	Yes
Dissemination & Implementation	Is there an outline/plan to identify how this will be done?	Yes
	Does the plan include the necessary training/support to ensure compliance?	Yes
Document Control	Does the document identify where it will be held?	Yes
	Have archiving arrangements for superseded documents been addressed?	n/a
Monitoring Compliance & Effectiveness	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes
	Is there a plan to review or audit compliance with the document?	Yes
Review Date	Is the review date identified?	Yes
	Is the frequency of review identified? If so is it acceptable?	Yes
Overall Responsibility	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes

Core Information	
Manager	Facilities Project Manager
Directorate	Site Services
Date	January 2021
Title	Trust Music Licenses
What are the aims, objectives & projected outcomes?	The purpose of this policy is to provide clear guidance on the legal requirements of the Trust when playing copy written music aloud in order to ensure that the Trust complies with copyright law.
Scope of the assessment	
To ensure that the implementation of this policy does not have a negative impact on equalities and human rights.	
Collecting data	
Race	There is no evidence to suggest that there will be an impact on race with regard to this policy.
Religion	There is no evidence to suggest that there will be an impact on religion with regard to this policy.
Disability	There is no evidence to suggest that there will be an impact on disability with regard to this policy.
Sex	There is no evidence to suggest that there will be an impact on sex with regard to this policy.
Gender Identity	There is no evidence to suggest that there will be an impact on gender identity with regard to this policy.
Sexual Orientation	There is no evidence to suggest that there will be an impact on sexual orientation with regard to this policy.
Age	There is no evidence to suggest that there will be an impact on age with regard to this policy.
Socio-Economic	There is no evidence to suggest that there will be an impact on socio-economic circumstances with regard to this policy.
Human Rights	There is no evidence to suggest that there will be an impact on human rights with regard to this policy.
What are the overall trends/patterns in the above data?	None
Specific issues and data gaps that may need to be addressed through consultation or further research	Trust wide documents can be made available in a number of different formats and languages if requested. No further research is required as there are no further equality issues.
Involving and consulting stakeholders	
Internal involvement and consultation	None required.
External involvement and consultation	None required.
Impact Assessment	

Overall assessment and analysis of the evidence	This policy can be made available in other languages and formats if requested. It does not have the potential to cause unlawful discrimination and it does not have a negative impact.
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Action Plan				
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Action	Owner	Risks	Completion Date	Progress update
Provide document in other languages and /or formats if requested.	Facilities Project Manager	Potential cost implication	Ongoing	N/A

Budget Holder	
Budget Number	

Trust Music Licence Application Form

University Hospitals Plymouth NHS Trust must legally hold music licenses to allow the playing of copyrighted music aloud within its premises. License to play music is required regardless of the ownership of any other type of licence, i.e. TV license etc.

If you wish to play music in any area of your department, you must complete this form and supply a budget number.

Please complete **ALL** parts of this form:

Department		
Department Lead/Contact		Tel: _____

Area Where Music Played (i.e. Office, Store Room, Waiting Room, Reception etc.)

Area	Room Number	Number of People Using Room*	Type of Music (Radio, CD etc.)	Total Audible Area (Facilities Use Only)

Exempt Area Where Music Played (i.e. Ward, Treatment Room etc.)

Area	Room Number	Number of People Using Room*	Type of Music (Radio, CD etc.)	Total Audible Area (Facilities Use Only)

*It is noted in the case of waiting areas, receptions areas, wards etc., that it may not be possible to note how many people are using that area. In these cases, please leave this column blank. For offices, store rooms etc., please note the maximum number of people who would be using the room at any one time.

I understand that if I wish to continue to play music in the non-exempt areas noted on this form, funding for any required licenses will be taken from my local budget on the budget number provided below.

Declaration

I understand that in order to play copyrighted music within any area of my department, I am legally required to hold a licence from both Phonographic and Performance Ltd (PPL) and the Performing Rights Society (PRS) and that failure to hold the relevant licences could lead to litigation from one or both licencing bodies.

Signature (Lead/Contact)	
Print Name	
Job Title	