

**Trust Music Licences**

<b>Date</b>	<b>Version</b>
January 2015	V1

**Purpose**

Plymouth Hospitals 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 Plymouth Hospitals 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 Plymouth Hospitals NHS Trust and any contractor employed by the Trust to carry out work within the buildings or grounds.

**Key messages**

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)
- iPods (exempt if headphones 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:

<http://www.copyright.co.uk/copyright/learning-centre.htm>

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

#### Accountabilities

<b>Production</b>	Facilities Assurance Manager
<b>Review and approval</b>	Trust Management Executive
<b>Ratification</b>	Director of Planning and Site Services
<b>Dissemination</b>	Facilities Assurance Manager
<b>Compliance</b>	Facilities Assurance Manager

#### Links to other policies and procedures

#### Version History

<b>V1</b>		Ratified by Director of Corporate Business

<b>Last Approval</b>	<b>Due for Review</b>
February 2015	February 2020

*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

Plymouth Hospitals 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.

Licences are required regardless to the ownership of any other type of licence, TV etc.

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, regardless of the source.

Direct Patient Care Clinical Areas are exempt from this policy; Wards, Theatres 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

**The Trust:** Plymouth Hospitals NHS Trust

**PPL:** Phonographic and Performance Ltd

**PRS:** Performing Rights Society

**In Public:** For this 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 Assurance Manager**

The Facilities Assurance 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, 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, a licence for an office area of between 1-600 square metres, would be £126.56 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 are used)
- iPods (exempt if headphones 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:

<http://www.copyright.co.uk/copyright/learning-centre.htm>

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

## **6 Overall Responsibility for the Document**

The overall responsibility for this document sits with the Facilities Assurance 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, currently the 'Vital Signs' electronic newsletter.

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

<http://www.copyrighthouse.co.uk/copyright/learning-centre.htm>

Estates Contractor Induction

Safe Employment of Contractors Policy

<b>Core Information</b>				
<b>Document Title</b>	Trust Music Licenses			
<b>Date Finalised</b>	February 2015			
<b>Dissemination Lead</b>	Facilities Assurance Manager			
<b>Previous Documents</b>				
<b>Previous document in use?</b>				
<b>Action to retrieve old copies.</b>				
<b>Dissemination Plan</b>				
<b>Recipient(s)</b>	<b>When</b>	<b>How</b>	<b>Responsibility</b>	<b>Progress update</b>
All staff		Email	Document Control	

Review		
<b>Title</b>	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
<b>Rationale</b>	Are reasons for development of the document stated?	Yes
<b>Development Process</b>	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
<b>Content</b>	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
<b>Evidence Base</b>	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
<b>Approval</b>	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
<b>Dissemination &amp; Implementation</b>	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
<b>Document Control</b>	Does the document identify where it will be held?	Yes
	Have archiving arrangements for superseded documents been addressed?	n/a
<b>Monitoring Compliance &amp; Effectiveness</b>	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
<b>Review Date</b>	Is the review date identified?	Yes
	Is the frequency of review identified? If so is it acceptable?	Yes
<b>Overall Responsibility</b>	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes

<b>Core Information</b>	
<b>Manager</b>	Facilities Assurance Manager
<b>Directorate</b>	Planning and Site Services
<b>Date</b>	February 2015
<b>Title</b>	Trust Music Licenses
<b>What are the aims, objectives &amp; projected outcomes?</b>	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.
<b>Scope of the assessment</b>	
<b>Collecting data</b>	
<b>Race</b>	There is no evidence to suggest that there will be an impact on race with regard to this policy.
<b>Religion</b>	There is no evidence to suggest that there will be an impact on religion with regard to this policy.
<b>Disability</b>	There is no evidence to suggest that there will be an impact on disability with regard to this policy.
<b>Sex</b>	There is no evidence to suggest that there will be an impact on sex with regard to this policy.
<b>Gender Identity</b>	There is no evidence to suggest that there will be an impact on gender identity with regard to this policy.
<b>Sexual Orientation</b>	There is no evidence to suggest that there will be an impact on sexual orientation with regard to this policy.
<b>Age</b>	There is no evidence to suggest that there will be an impact on age with regard to this policy.
<b>Socio-Economic</b>	There is no evidence to suggest that there will be an impact on socio-economic circumstances with regard to this policy.
<b>Human Rights</b>	There is no evidence to suggest that there will be an impact on human rights with regard to this policy.
<b>What are the overall trends/patterns in the above data?</b>	None
<b>Specific issues and data gaps that may need to be addressed through consultation or further research</b>	None
<b>Involving and consulting stakeholders</b>	
<b>Internal involvement and consultation</b>	
<b>External involvement and consultation</b>	

Impact Assessment				
<b>Overall assessment and analysis of the evidence</b>		Consideration will be give if information is required in an alternative format or language.		
Action Plan				
Action	Owner	Risks	Completion Date	Progress update

## Trust Music Licence Application Form

Plymouth Hospitals 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 licence 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)

Budget Holder	
Budget Number	

### **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	
Print Name	
Job Title	