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Trust Music Licence(s)

Reference Number	Version	Status	Executive Lead(s) Name and Job Title	Author(s) Name and Job Title
240	3	Current	Professor Hilary Chapman Chief Nurse	Kevin O'Regan, Hotel Services Director
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Contact for Review Name and Job Title: Mr. Kevin O'Regan, Hotel Services Director.				

Associated Documentation:

N/A

Trust Controlled Documents

Sheffield Teaching Hospitals NHS Foundation Trust controlled documents:
Document Reference Number Document Title Trust Music Licence

External Documentation

N/A

Legal Framework

Legislation Guidance by PRS & PPL (2012)

For more information on this document please contact:-

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Version History

Version	Date Issued	Brief Summary of amendments	Owner's Name:
1.0	5.7.10	New Policy	Kevin O'Regan
2.0	23/03/2012	Review/Inclusion of charitable and special events section	Kevin O'Regan
3.0		Policy Reviewed/Updated Section 5	Kevin O'Regan

(Please note that if there is insufficient space on this page to show all versions, it is only necessary to show the previous 2 versions)

Document Imprint

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Executive Summary

Trust Music Licence(s)

Document Objectives: To ensure that the Trust meets the criteria and payment of royalties to Performing Right Society (PRS) and Phonographic Performance Ltd. (PPL).

Group/Persons Consulted: Senior Managers, Operational Board, T.E.G.

Monitoring Arrangements and Indicators: Completion of annual proforma to renew licence.

Training Implications: None

Equality Impact Assessment: An initial Equality Impact Assessment has been undertaken with no negative impacts identified. Posted on the Intranet.

Resource implications: Subject to Trust agreement the CMT/Department have responsibility for all resource implications.

Intended Recipients: All Sheffield Teaching Hospital NHS Foundation Trust Staff

Who should:-

- be **aware** of the document and where to access it All Sheffield Teaching Hospital NHS Foundation Trust Staff
- **understand** the document All Sheffield Teaching Hospital NHS Foundation Trust Staff
- have a **good working knowledge** of the document Line Managers who are responsible for ensuring adequate dissemination and implementation of the Policy.

1. **INTRODUCTION**

It should be noted that Sheffield Teaching Hospitals NHS Foundation Trust must hold music licences to allow the playing of copyrighted music aloud in its premises. The following modes of playing music all fall under the licensing requirement:

- Radios/CD players
- Personal CD players (exempt if headphones are used)
- iPods/mp3 players/mobile phones (exempt if headphones are used)
- Music videos played on TVs
- Hold music on the telephone system
- Live performances e.g. in the Clocktower lobby area

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 music licences are required. The music licence(s) gives you the legal permission to play any copyrighted music controlled by the regulatory body. Licences are required regardless of the ownership of any other type of licence i.e. a TV licence, etc.

Without such licences the Trust is in breach of the copyright laws and this could potentially lead to the Trust being taken to court by one or both of the licensing bodies (Performing Rights Society (PRS) & Phonographic Performance Ltd (PPL)).

2. **POLICY AIMS**

The aim of this policy is to manage the playing of copyrighted music within any of the premises managed by Sheffield Teaching Hospital NHS Foundation Trust, and to ensure that the Trust remains legally compliant with its obligations in relation to this issue at all times.

3. **POLICY SCOPE**

The scope of this policy covers any non-clinical areas within the Trust and as such if any copyrighted music is played aloud in these areas then licences must be sought before it is played:

- Offices
- Dining Facilities (including Break and Rest rooms)
- Lobbies, Reception and Waiting Areas
- Shop floors

Licences are not required in the above areas if no music is played or if the music played isn't copyrighted. To identify if the music is copyrighted please refer to the following link for guidance: http://www.copyrightservice.co.uk/protect/p07_music_copyright

Clinical areas are excluded from this policy, as outlined by the PRS and PPL organisations:

- Wards (inpatient/outpatient)
- Theatres) Direct patient care areas.
- Physiotherapy Departments)

4. **DIRECTORATE RESPONSIBILITIES**

- Individual Directorates must identify a lead person(s) to be responsible for implementation and enforcement of the Directorate's/Trust obligations.

- The Directorate's responsible person(s) must obtain and hold the relevant licences to cover the playing of music by staff that falls under said Directorate's remit.
- The Directorate's responsible person(s) must annually check to ensure the Directorate's licenses are up to date i.e. incorporate any new areas within the Directorate that have been sanctioned to play copyrighted music.
- In areas where the Trust/Directorate have banned the playing of copyrighted music, the Directorate's responsible person(s) must ensure that the ban is policed and where required the necessary action is taken to enforce the ban e.g. radios are removed, and/or action in line with the Trust disciplinary procedure is taken, as appropriate.

5. OBTAINING LICENCES

A Trust Licence(s) will be obtained by the Hotel Services directorate for these areas that are supported by the Directorate lead(s) and appropriate authorisation from a Trust Executive Group (T.E.G.) member in accordance with the requirements of said policy.

It is unacceptable for members of staff to consider licences amongst themselves for their local areas, as failure to maintain said licences by the staff group can result in action(s) being taken against the Trust as the ultimate responsible body e.g. court action and/or fines/surcharges.

6. LICENCES FOR CHARITABLE OR SPECIAL EVENTS

In cases where a charitable or special event(s) is organised and music is required, a temporary music licence can be obtained from the respective licensing organisations. This temporary licence will cover the playing of copyrighted music, although certain stipulations will be placed upon the Trust by the licensing organisations.

For further details please contact Simon Thurman, Operations/Project Manager on extension number 15415. It should be noted that charges may apply and appropriate funding will be required from the relevant Directorate/Department or Charitable Organisation.

7. NON-TRUST PERSONNEL

Any non-Trust personnel working on Trust premises are expected to abide by the Trust guidelines at all times.

To which, any external organisations working on the Trust premises must ensure that they have the appropriate licences in place to play copyrighted music. If the required licences are not in place, the Trust should ban any external organisations from playing copyrighted music aloud while working on the Trust grounds.

Any actions/fines imposed by a regulatory body (PRS or PPL) in the respect of copyright infringement by an external organisation that is working for the Trust is solely the responsibility of the external organisation. The Trust accepts no responsibility or liability for their actions.

However, the Trust must ensure that non-Trust personnel are made aware of such regulations e.g. contractual conditions.

8. **EXTERNAL REFERENCES**

Performing Rights Society (PRS) <http://www.prsformusic.com/>
Phonographic Performance Ltd (PPL) <http://www.ppluk.com/>
Copyright, Designs and Patents Act 19
Intellectual Property Office <http://www.ipo.gov.uk/>