



Music Licence Policy

Document Summary

To ensure the Trust meets the criteria to comply with the Copyright, Designs and Patents Act 1988

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POLICY AUTHOR	Facilities Manager – Administration, Contracts & Compliance

Important Note:

The Intranet version of this document is the only version that is maintained.

Any printed copies should therefore be viewed as “uncontrolled” and, as such, may not necessarily contain the latest updates and amendments.





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1. Scope

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:

- Public Areas (Shops, restaurants, corridors etc)
- Staff Only Areas (Offices, Labs, Kitchens etc.)
- Waiting Rooms/Receptions Areas

Licences are not required in the above areas if no music is played or if the music played isn't copyrighted.

Clinical areas are excluded from this policy:

- Wards (inpatient and outpatient)
- Direct patient care areas
- Physiotherapy Departments

2. Introduction

It should be noted that Cumbria Partnership NHS Foundation Trust must hold music licences to allow the playing of copyrighted music aloud in its premises.

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)

3. Statement of Intent

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

This policy applies to all Cumbria Partnership NHS Foundation Trust Staff and any contractor employed by the Trust to carry out work within the buildings or grounds.



4. Definitions

Accountable Director

The Director accountable for the policies within a specific area of responsibility. Also the person responsible for the process or production of specific policies.

Policy File Holder

Person in charge of the administration systems for policies and procedures in a particular service location.

Policy Author

The person nominated by the Accountable Director to prepare the draft of a specific policy.

PRS

Performing Rights Society

PPL

Phonographic Performance Ltd.



5. Responsibilities

Director of Strategy and Support Services

The Director of Strategy and Support Services is the accountable director for this policy.

Head of Facilities

It is the responsibility of Head of Facilities to:

- Obtain and hold the relevant licences to cover the playing of music by staff that fall under said Directorates remit.
- Annually check to ensure the licenses are up to date i.e. incorporate any new areas within the Directorate that have been sanctioned to play copyrighted music.

Local Managerial Accountability

All managers have the responsibility to:

- Implement and monitor the operation of this policy within their functional areas
- Ensure that staff follow and adhere to this policy at all times
- Ensure that staff are given opportunities for appropriate copyright training and awareness
- Ensure that processes and procedures are in place to facilitate effective compliance with copyright legislation
- In areas where the Trust/Directorates have banned the playing of copyrighted music, the Directorates 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.

Individual Responsibilities

All members of staff and contractors on site:

- Are responsible in law for any infringement of copyright
- Must be aware that breaking the law could have serious consequences for the individual and for the Trust
- Should understand their responsibilities under the Copyright Designs and Patents Act 1988 and subsequent regulations



6. Policy Content

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>



Trust Personnel

An application form (Appendix 1) must be completed by all areas/department wishing to play copyrighted music, which is to be sent in to facilitiesoffice@cumbria.nhs.uk. The Facilities Department will process all applications forms and manage the Trust Licences centrally.

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.

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.

It should be noted that charges may apply and appropriate funding will be required from the relevant Directorate / Department or Charitable Organisation.



Process and Responsibilities for Applying for Music Licensing

Ownership of Procedure

Facilities are responsible for ensuring procedures are in place to manage Trust wide music licences. This includes management of the Trust Music Policy, sharing information to staff regarding the Trusts legal requirements, and administrating the licences.



Local Arrangements

If a licence is required, staff must notify their local manager and an application form (appendix 1) must be completed. Send your completed application form to the Facilities Team.

Facilitiesoffice@ncumbria.nhs.uk



Licence Application

The Facilities Team will complete a Music Licence application form for each of the licensing bodies. Once the applications have been processed, confirmation of the updated Trust Licence will be held by the Facilities Team and notification of the new licence will be sent to the local manager.



Management of Licence

The Facilities Team will manage the licence documents and payments, and complete an audit annually (Appendix 2).



7. Monitoring compliance with this Policy

The table below outlines the Trusts' monitoring arrangements for this policy/document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual responsible for the monitoring	Frequency of the monitoring activity	Group / committee which will receive the findings / monitoring report	Group / committee / individual responsible for ensuring that the actions are completed
Licences to be accurate, and active where required	Check license dates and licence information with respective managers of areas	Facilities Department	Annual	Facilities Management group	Facilities Manager – Admin, Contracts & Logistics

8. References/Bibliography

- Performing Rights Society (PRS)
- Phonographic Performance Ltd (PPL)
- Copyright, Designs and Patents Act 1988
- Intellectual Property Office
- Uk Copyright Law
- <https://www.gov.uk/government/publications/copyright-in-sound-recordings/copyright-in-sound-recordings>

9. Related Trust Policy/Procedures

There are no policies or procedures relating to this policy



10. Appendices

Appendix 1 – Trust Music Licence Application Form

Cumbria Partnership NHS Foundation Trust must legally hold music licenses to allow the playing of copyrighted music aloud within its premises. Licence to play music is required regardless of the ownership of any other type of license, 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 code.

***All sections of this application should be completed fully**

Site/Building		
Department		
Department Lead/Manager/Contact		Tel:

Area where music is played (i.e. Office, store room, waiting room, reception etc)

Area	Room Number	Number of People using room	Type of music (CD, Radio, Tv etc)	Total Audible Area (Facilities Use only)
Is this a temporary licence?		Date From:	Date To:	

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 Performance Rights Society (PRS) and that failure to hold relevant licences could lead to litigation from one or both licencing bodies.



Date	
Print Name	
Signature	
Job Title	

Appendix 2 – Trust Music Licence Annual Audit Process

It is the responsibility of the Facilities Department to ensure accuracy of the Trust music licence. To fulfil this requirement, a licence audit will be completed by the Facilities Department annually.

This audit will consist of the following tasks:-

- The Facilities Department will notify all Trust staff of the annual audit, and share an information poster for the attention of all staff. This will be advertised through Trust News.
- The Facilities Department will send an email and or a letter; with poster and application form to all known contacts for CPFT managed sites and departments.
- The Facilities Department will collate all returned forms, and follow up any missing returns. Sites and departments failing to comply with the audit will be reported to Facilities Management, who will escalate the issue with local managers.
- The Facilities Department will update the additions/deletions/amendments to the Trust Licences with the regulatory bodies.



Music Licensing in the NHS

Do you play music at work?

Did you know that the following types of areas require a license whether music is played live, via CD's, radio/TV broadcasts, through a background system or using any other sources.

- Public Areas (Shops, restaurants, corridors)
- Staff Only Areas (offices, labs, kitchens etc)
- Waiting Rooms/Reception Areas

**All NHS inpatient ward areas are exempt from Music Licenses*

Failure to apply for a license when you are playing music in one of the listed areas may result in legal action against the Trust for copyright infringement!

Contact the Facilities Department for more information:
Facilitiesoffice@cumbria.nhs.uk



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