

**CONTROLLED DOCUMENT**

## The Broadcast Licensing Policy

CATEGORY:	Policy
CLASSIFICATION:	Governance
PURPOSE	To set out the compliance requirements when using televisions and radios in Trust sites and services.
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Will this Controlled Document impact upon any contracts held by the Trust?	<input type="checkbox"/> Yes <sup>1</sup> <input checked="" type="checkbox"/> No
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Distribution:	
<ul style="list-style-type: none"> <li>• Essential Reading for:</li> <li>• Information for:</li> </ul>	All Staff

<sup>1</sup> If this Controlled Document will have an impact on any contracts held by the Trust, once approved, this will need to be sent to the Procurement Team requesting that it be added to the Procurement Policy Portal

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## 1. Policy Statement

- 1.1 The purpose of this policy is to set out the compliance requirements for playing music and/or watching television whilst on Trust premises or delivering Trust services as an employee.
- 1.2 Under the Communications Act 2003 and the Copyright, Designs and Patents Act 1988, the Trust is liable under certain circumstances for specific types of licences with individual compliance requirements.

## 2. Scope

- 2.1 This policy applies to all individuals employed by the Trust, including contractors, volunteers, students, locum and agency/bank staff and staff employed on honorary contracts. The policy applies to the specific areas dependent on licence conditions laid down in the policy.
- 2.2 Broadcasts which are outside the scope of this policy:
  - 2.2.1 Music listened to on a headset/using earphones
  - 2.2.2 The hold music on the Trust's phone system
  - 2.2.3 Music played in a clinical area
  - 2.2.4 Non-music broadcasts with no sound
  - 2.2.5 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 [here](#).

## 3. Definitions

### **Communications Act 2003**

Section 363 of the Act makes it against the law to install or use a television receiver to watch or record any television programmes as they are being broadcast without a TV Licence. Section 365 of the same Act requires the payment of the TV licence fee to the BBC.

### **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 consists 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**

Copyright, Designs and Patents Act 1988. The Copyright, Designs and Patents Act 1988, 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.

## **4. Framework**

4.1 This section describes the broad framework for this policy. More detailed advice can be found by emailing [corporate.compliance@uhb.nhs.uk](mailto:corporate.compliance@uhb.nhs.uk)

### **4.2 Playing music whilst on Trust Premises**

4.2.1 The Trust is required to hold a Licence for copyright music to be played in public or in offices upon its premises. This includes broadcast TV and radio channels, including Radio 4 and Classic FM.

4.2.2 The Trust has a music Licence which covers existing public waiting areas and occasional performances in the atria of our Trust premises.

4.2.3 Offices are not automatically covered by the licence the Trust holds.

4.2.4 In order to broadcast music/TV in an office whilst not using earphones, there are a number of licensing requirements to calculate the total cost.

4.2.5 If it is desired to play radios in offices, the appropriate licence will need to be obtained and funded. Unless an office has already been included in the scope of the Trust’s licence, TVs/radios must not be broadcast.

4.2.6 Please get in touch with [corporate.compliance@uhb.nhs.uk](mailto:corporate.compliance@uhb.nhs.uk) to obtain an estimated cost and to provide charging instructions as to how this will be funded.

As a guide, a four person office playing a radio can expect a charge of approximately £250.00 per annum inclusive of VAT as at July 2019 rates.

#### 4.3 Television and television services on mobile devices including catch-up services

The sites listed in Appendix B have television licences. If a site where an employee works or is visiting in the course of their employment is not listed, then there is no TV or music licence in place. If there is no licence, there must be no TV there.

##### 4.3.1 Employees watching TV on a personal device

Staff are only permitted to watch television on their personal devices whilst at work if it is within their official break times or if it is part of their official duties.

If there is no licence for the UHB premises where the employee is based/visiting as part of their employed duties, specific requirements apply to ensure that television is watched in accordance with the requirements of the Communications Act 2003:

- a. If TV is viewed on a mobile device which is powered by the integral battery alone, then the employee's TV Licence at home will cover the legal watching of TV. This includes foreign channels and catch-up TV, such as BBC I-player, ITV hub or Channel 4-OD.
- b. Employees must not plug their device into the power supply of the building to watch television unless the building has a TV Licence. If there is no Licence in place at the premises where the device is using the power supply, then the Trust may be liable for a fine of up to £1,000.00.

#### 4.4 Organised Events

Events organised by the Trust's Charity will follow PPL/PRS guidance and Trust policy.

### 5. Duties

#### 5.1 Director of Corporate Affairs

The Director of Corporate Affairs will receive an annual report as to Trust's compliance with the relevant licences and escalate where appropriate.

## 5.2 **Corporate Compliance Manager**

The Corporate Compliance Manager will:

- 5.2.1 Provide advice on the Music and TV Licence and remain up to date on the requirements.
- 5.2.2 Calculate estimates when provided with information to do so and maintain a record of the Trust premises which are covered by Trust Licences.
- 5.2.3 Carry out an annual audit.

## 5.3 **Managers**

Anyone who has a responsibility for staff will ensure that:

- 5.3.1 They advise and inform their team to increase awareness and understanding of the policy.
- 5.3.2 Report any issues or concerns to the Corporate Compliance Manager who will advise accordingly.

## 5.4 **Staff (including contractors and volunteers)**

All staff will:

- 5.4.1 Only use Televisions and Radios in accordance with this policy.
- 5.4.2 Comply with this policy.

## 6. **Implementation and Monitoring**

### 6.1 **Implementation**

This policy will be available on the Trust's intranet and external internet site. The policy will also be disseminated through the management structure within the Trust.

### 6.2 **Monitoring**

Appendix A provides full details on how the policy will be monitored by the Trust.

7. **References**

Performing Rights Society (PRS) <http://www.prsformusic.com/>

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

Copyright, Designs and Patents Act 1988

Intellectual Property Office <http://www.ipo.gov.uk/>

**Appendix A****Monitoring Matrix**

<b>MONITORING OF IMPLEMENTATION</b>	<b>MONITORING LEAD</b>	<b>REPORTED TO PERSON/GROUP</b>	<b>MONITORING PROCESS</b>	<b>MONITORING FREQUENCY</b>
Annual Report	Corporate Compliance Manager	DCA Governance Group	An annual audit of existing licensed Trust areas and compliance against the tariffs and report upon areas of non-compliance and how they have been addressed	Annually



## **APPENDIX B**

## **TRUST PREMISES WHICH HAVE A TV LICENCE**

Queen Elizabeth Hospital, University Hospitals Birmingham, Mindelsohn Way, Birmingham B15 2TH

Birmingham Chest Clinic, 151 Great Charles Street, Birmingham, B3 3HX

Heartlands Hospital, Bordesley Green East, Birmingham, B9 5SS

Good Hope Hospital, Rectory Rd, Sutton Coldfield, B75 7RR

Solihull Hospital, Lode Lane, Solihull, B91 2JL

Runcorn Road Renal Unit, 36 Runcorn Rd, Birmingham B12 8RQ

Castle Vale Renal Unit, Unit 8-11, Castle Vale Industrial Estate, Sutton Coldfield, West Midlands, B76 1AL

Norman Power, 14 Skipton Road, Birmingham, B16 8JJ

Assure Dialysis, Smethwick Dialysis Centre, Rabone Park, Rabone Lane, Smethwick, West Midlands, B66 2NN

Umbrella Sexual Health Clinic, Soho Health Centre, B21 9RY

Umbrella Sexual Health Clinic, Erdington Clinic B23 6SJ

Umbrella Sexual Health Clinic, Northfield NCP B31 2JT

Umbrella Sexual Health Clinic, Whittall Street B4 6DH

Umbrella Sexual Health Clinic, Boots City Centre B4 7TA

Umbrella Sexual Health Clinic, Boots Solihull B91 3AZ

Umbrella Sexual Health Clinic, Chelmsley Wood B97 5BU