

## Licences - Key facts From VisitBritain's Pink Booklet

- If you offer short-stay accommodation (of any kind) to overnight visitors and have installed television sets in the accommodation, you need a 'Hotel and Mobile Units Television Licence' (hotel licence).
- If you play any copyright music in public or on your premises or if it is performed live, you need a Performing Right Society licence.
- If you are planning to offer a DVD film library, you need a DVD Concierge Licence to do so.

### Television licences

#### Do I need a special licence?

**Yes:** if you offer short-stay accommodation to overnight visitors whether in serviced or self-catering accommodation and have installed television sets in your guestrooms or properties, you should apply for a 'Hotel and Mobile Units Television Licence' (hotel licence).

**Note!** Despite its name, the hotel licence encompasses accommodation ranging from hotels, guesthouses, bed and breakfasts and inns to holiday cottages, flats and chalets, and even to camping and caravan sites.

The TV Licensing Authority says that you should always take out a hotel licence if you are providing televisions for the use of paying guests. While staying on your property, guests are not covered by their home licence. There is one exception, long-term hotel residents (ie those staying over 28 days) are not covered by a hotel licence, they must have an ordinary television licence.

**Note: touring caravans!** While accommodation provided in sited caravans falls under the hotel licence scheme, there are different rules for touring caravans or mobile homes. The hirer of a touring caravan or mobile home may be covered by the licence for their home address as long as the television receivers are not being used at their home and caravan or mobile home at the same time.

#### Hotel licence fees

Your licence fee will be based on the number of units of overnight accommodation you have to let.

- If you have up to 15 units with televisions installed, you will pay one full fee.
- If you have more than 15 units, you will pay one full fee for the first 15 and an additional fee for every extra 5 units (or fewer).

The hotel licence is available only from TV Licensing. (See [Further Guidance](http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Further_guidance) ([http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Further\\_guidance](http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Further_guidance)) below for details).

## What does it cover?

It will cover all the TV equipment (eg TVs, video recorders, DVD recorder, PCs with broadcast cards) being used to watch or record TV programmes in:

- hotels, inns, guest houses, holiday villages, caravans and campsites
- the owner's private rooms on the site
- on-site staff accommodation (if provided by the hotel/accommodation owner)
- lounges or other common rooms that are open to people staying on the site.

It does not cover:

- TV equipment which is not provided by the proprietor of the accommodation
- TV equipment in long-term letting accommodation and for permanent residents

**Note!** An important feature of the regulations is that one licence can only cover one or more units of guest accommodation 'on the same site' or 'within the same premises', ie a site or premises which are not divided or separated by any public thoroughfare (road, footpath, etc) or by any private property. If there is an annex to your premises on the other side of the road from the main building or if you let holiday cottages in different locations, you will need a separate licence for the annex or for each location.

## Performing Right Society licences

### Do I need a licence?

**Yes:** if you offer serviced or self-catering accommodation and you play any copyright music in public on your premises, whether it is through a radio, television, CD player, video recorder or any other mechanical device, or it is performed live. 'In public' means any occasion other than a family/domestic occasion, so even if you have the radio on playing music in the breakfast room for guests, you may require a licence.

### Performing Right Society

The licensing requirement stems from the **Copyright, Designs and Patents Act 1988**, which states that any use of copyright music in public is possible only with the permission of the person who holds the copyright to each song being played. Of course, such a situation is completely impractical and the Performing Right Society (PRS) has been formed to help you meet your legal obligations. You can apply to them for a single licence rather than having to contact each individual copyright owner - see [Obtaining a licence](http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Obtaining_a_licence) ([http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Obtaining\\_a\\_licence](http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Obtaining_a_licence)) below.

## Is a licence required for copyright music in customers' rooms?

**Yes:** while there had been a long-standing dispute between the PRS and the British Hospitality Association (BHA) regarding whether bedrooms in hotels were “public spaces”, this dispute has now been settled with the BHA agreeing that a PRS licence is required where music can be played in guests rooms via TVs, radios and other devices.

The PRS Code of Practice clarifies the rights and responsibilities of the PRS and businesses that provide music. An ombudsman has also been established to oversee the PRS's performance and to adjudicate on complaints.

For more details of the code of practice, see <http://www.prsformusic.com/users/businessesandliveevents/codeofpractice/Documents/codeofpractice.pdf>

## Obtaining a licence

Further information on obtaining a licence, along with a list of licence tariffs is available from the PRS (see Further Guidance below). If a licence is required, the PRS has a hotel and restaurant tariff with a separate section for small residential hotels (up to 15 rooms with facilities restricted to overnight guests). The list of tariffs includes the use of:

- background music and TV/radio systems in public areas, eg foyers, bars and corridors
- live music
- discos and karaoke machines.

The use of TVs and radios in guests' bedrooms is covered by these tariffs too, although their inclusion is being disputed by the British Hospitality Association who believes that a guest's bedroom should not be regarded as a public area and subject to licensing requirements (see [Is a licence required for copyright music in customers' rooms?](#)

([http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Performing\\_Right\\_Society](http://www.accommodationknowhow.co.uk/legislation-guidance/premises/licences#Performing_Right_Society) ) above).

**Note!** You are required by law to obtain a licence if you need one. If you apply for a licence before you start playing copyright music in a public place, you will be charged a standard rate. If you apply later, or are caught playing music without a licence, you will be charged a higher rate for the first year of the licence.

## Tariffs

PRS Licence tariffs vary in accordance with the type of performance (live or recorded), the type of premises, the occasion and the frequency of performances.

Holders of a PRS licence will pay the standard royalty rate. For those who have not applied and obtained a licence before the performance, a surcharge of 50% will be applied to the standard rate for the first year. From the second year, all royalties will be charged according to the standard rate.

### **Tariff for hotels, restaurants and cafés**

This tariff applies to performances within the United Kingdom of copyright music within the Society's repertoire at hotels, boarding houses, guest houses, restaurants, fast food outlets, cafés, banqueting suites and function rooms, but excludes theatre restaurants, theatre cafés and similar premises.

These royalty charges apply to royalties due between July 1st and June 30th of the following year.

You can obtain more information by contacting PRS for Music directly on 0800 068 48 28 or by visiting their website: [www.prsformusic.com](http://www.prsformusic.com).

### **Tariff for passenger vessels (ocean-going, coastal and inland)**

This tariff applies to performances of copyright music within the Society's repertoire on board all vessels including cruise liners and other ocean or sea-going vessels, and local ferries, lake river and pleasure craft.

These royalty charges apply to royalties due between December 1st and November 30th of the following year.

You can obtain more information by contacting PRS for Music directly on 0800 068 48 28 or by visiting their website: [www.prsformusic.com](http://www.prsformusic.com).

### **Phonographic Performance Limited licences**

While PRS licences relate to the copyright in the music itself, there is a separate licence issued by Phonographic Performance Limited (PPL) which relates to the actual recording, whether on a CD, tape, record, etc.

#### **Do I need a PPL licence?**

**Yes:** if you offer serviced or self-catering accommodation and you play music in public from a record, tape, compact disc, video, etc, you require a licence (although probably not for activities by charitable bodies).

**Probably:** if you play music in public from the radio or television (although not usually for activities by not-for-profit bodies).

There are two types of PPL licence:

- for the use of sound recordings as background music in foyers, bars and eating areas, etc

- for the use of sound recordings as a featured attraction on the premises (such as dances and discos).

The cost of the licence varies according to use.

**Note!** Following a successful court case brought by the British Hospitality Association (BHA) and the British Beer and Pub Association (BBPA) against Phonographic Performance Limited (PPL) about the level of fees charged for licences, the PPL has issued a form you can use to claim a refund. This refund will be the difference between the fee paid between 2006 and 2009 and the fee set by the tribunal. However, there are a couple of caveats to this refund.

- A refund cannot be claimed if the total repayment for the period is less than £50
- If during that period you have paid your licence late, the tribunal has allowed PPL to charge 50% more, which reduces the amount of refund you are entitled to.

## **Licences to show DVDs**

### **Do I need a licence?**

If serviced or self-catering accommodation providers are planning to offer guests the use of a DVD film library, they need a licence to do so.

Providing films to paying guests without a licence is an infringement of copyright law (the **Copyright, Designs and Patents Act 1988**). It is a civil, and in some cases, criminal offence to show a film in this manner without the permission of the copyright owner (the film studios) or their representatives (the licensing bodies).

A licence permits properties to provide DVDs for guests' use, whether guests are using DVD players, lap tops, games consoles or other portable devices. Properties will be able to hold an unlimited number of DVDs from the represented studios covered by the licence.

Licences are taken out on a different basis depending on the type of guest accommodation:

- Bed and breakfast accommodation, guesthouses, small hotels and boutique hotels are required to take a licence out on a per room basis
- Serviced apartments require one licence per apartment
- Chalets and holiday homes require one licence per chalet/home

**Note!** We recognise that the law relating to providing and showing copyright material is complex and the licensing system for showing copyright material is far from perfect. However, VisitBritain has been in contact with the Federation Against Copyright Theft (FACT) on a number of occasions and has repeatedly been assured that no licence is required if visitors bring their own DVDs to a

self catering property. Unless we receive contrary advice from FACT, then this has to remain our advice to Accommodation Know-How subscribers.

### **Who issues licences?**

Organisations that issues licences to businesses include the following.

- Filmbank is a joint venture company owned by Warner Bros. Entertainment and Sony Pictures Releasing. It operates the DVD Concierge Licence scheme and represents many of the leading Hollywood and independent film studios in the area of film usage outside the cinema and home. For more information, visit their website at [www.filmbank.co.uk](http://www.filmbank.co.uk).
- The Motion Picture Licensing Company ([www.mplcuk.com](http://www.mplcuk.com)) states on its websites that it represents more than 350 producers and distributors.

Businesses may wish to look at these and other companies offering a similar service in order to compare prices. The organisation approached should represent the studios producing the films being offered.

### **Cost of Filmbank licences**

The cost of the licences are as follows:

- annual properties (those open year round) £36 plus VAT per room/unit
- seasonal properties (open for eight months or less) £24 plus VAT per room/unit

The fees payable are for the licence only and accommodation providers would continue to purchase DVDs as usual. The licence fees quoted for guest accommodation apply when no extra charge for the DVD is made to the guest. If a charge is levied, as in most hotels, then a higher licence fee applies.

### **Avoiding DVD licences**

Smaller businesses may choose to avoid the purchase of a licence by removing DVDs. A licence is not required if guests bring their own DVDs to watch.

### **Further guidance**

- Customer Services, TV Licensing, Bristol, BS98 1TL. Tel: 0870 241 6468. [www.tvlicensing.co.uk](http://www.tvlicensing.co.uk)
- Performing Rights Society, tel: 0800 068 4828. [www.mcps-prs-alliance.co.uk](http://www.mcps-prs-alliance.co.uk)
- Phonographic Performance Limited licences: contact the PPL information line, tel: 020 7534 1030. [www.ppluk.com](http://www.ppluk.com)

- DVD Concierge Licences: call Filmbank on 020 7984 5954 or email [dvdconciierge@filmbank.co.uk](mailto:dvdconciierge@filmbank.co.uk). You can also found out more on the Filmbank website [www.filmbank.co.uk](http://www.filmbank.co.uk).