

Nottingham City Council Delegated Decision



Nottingham
City Council

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| Reference Number: | 1978 |
| Author: | Joanne Cresswell |
| Department: | Communities |
| Contact: | Joanne Cresswell (Job Title: Customer Service Manager, Email: joanne.cresswell@nottinghamcity.gov.uk, Phone: 61666) |
| Subject: | Payment of Performing Rights Society Licence Fees for 2015 - 2016 |
| Total Value: | £27,311 (including VAT) (Type: Revenue) |
| Decision Being Taken: | To approve the payment of statutory annual Performing Rights Society licence fees for 2015 - 2016 for the use of copyright protected music in public premises which is integral to the delivery of core business functions of leisure centres. There is sufficient revenue budget allocation within the service area budget to meet the cost. |
| Reasons for the Decision(s) | <p>The authority would be in breach of statutory legislation if it does not pay the licence fees due for the use of copyright music within its premises, making it liable for prosecution and potential litigation. Activities such as fitness / aerobic classes / special events / dance classes / background music via televisions in fitness gyms are covered by legislation, specifically the Copyright, Designs and Patents Act 1988.</p> <p>The use of music is a fundamental aspect of leisure centre operations and essential to the income generating capabilities of the service as a whole. Cessation of the activities requiring music is not a viable option for consideration.</p> |
| Other Options Considered: | <p>Option 1: Payment of licence fees for the 2015 - 2016 financial year as required by the Copyright, Designs and Patents Act 1988 for the use of copyright protected music in public premises. Total amount £27, 311.22 (inclusive of Vat)</p> <p>Option 2: Cessation of services requiring the use of copyright music thereby removing the need for payment of these licences. The option was rejected as it would mean core business functions of leisure centres could no longer be offered.</p> |
| Background Papers: | Copyright, Designs and Patents Act 1988 |

Published Works:

Affected Wards:

Citywide

**Colleague / Councillor
Interests:**

Consultations:

Those not consulted are not directly affected by the decision.

**Crime and Disorder
Implications:**

No direct implications other than to meet the statutory licencing requirements stated

Equality:

EIA not required. Reasons: An EIA is not required as the payment of licence fees is a legislative requirement and has no impact on the service to the citizens, policies or other services.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

11/05/2015

Advice Sought:

Legal, Finance

Legal Advice:

As indicated in the body of the decision, a licence is required to enable the lawful use of copyright material. If no licence is obtained then the Council may face legal proceedings if it continues to use protected works unlawfully which could result in significant financial and reputational damage. Advice provided by Ann Barrett (Senior Solicitor) on 24/04/2015.

Finance Advice:

This is an annual licence fee to allow the music to be play in all the Leisure Centres. The cost of £22,760 can be contained within existing Sports & Leisure budgets. Advice provided by Steve Ross (Finance Analyst) on 27/04/2015.

Signatures

David Trimble (Portfolio Holder for Leisure and Culture)

SIGNED and Dated: 01/05/2015

John Kelly (Corporate Director Community Services)

SIGNED and Dated: 30/04/2015