

# COMMUNITY FACILITIES FACT SHEET: TV's & Films in Community Buildings



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## SECTION 1: INTRODUCTION

With many major sporting and national events now being covered by not only national TV, but also cable and satellite broadcasters, some community facilities might be tempted to install a large screen television in the premises. Equally they may see the showing of films on video or DVD as a way of raising funds for maintaining the hall (for example by laying on a bar/refreshments and charging for entrance to watch), however, there are legal ramifications to bear in mind.

The requirements of showing both TV and films in your community building are outlined within this Fact Sheet, along with useful contacts you will need.

This Fact Sheet is not intended to take the place of or detract from the detail supplied via guides and leaflets, and in particular, the information supplied by those organizations listed in Section 7 from whom additional information can be obtained.

Whilst all due care has been taken in the preparation of this document neither Cambridgeshire ACRE nor its employees cannot be held responsible for any omissions or errors contained herein or for any damage or injury arising from any interpretations of its contents.

## SECTION 2: TV LICENCE REQUIREMENTS

### **You need a TV Licence for your community building / village hall if:**

- You install a TV in your building to watch the terrestrial channels. Making satellite or cable channels available will incur additional fees with the supplier.
- You watch or record television programmes as they are being shown on TV. Irrespective of what equipment you use - laptop, PC, mobile phone, digital box, DVD recorder or a TV set.
- You or any of your staff, guests or visitors uses any TV receiving equipment at your community building /village hall to watch or record television programmes. This includes the use of a TV set, digital box, DVD or video recorder or computer.

### **You do not need a TV Licence if:**

- You use a digital box with a hi-fi system or another device that can only be used to produce sounds and cannot display TV programmes and you do not install or use any other TV receiving equipment.
- You use a TV set or computer monitor for closed circuit monitoring and you do not install or use any other TV receiving equipment.
- You use a TV set or computer to watch only pre-recorded DVDs or videos (e.g. for training purposes) and you do not install or use any other TV receiving equipment.

### **What does the licence allow?**

- The licence allows installation and use of TV Equipment.

### **What is not covered by the licence?**

- Parts of your building/hall exclusively occupied by others, e.g. Bars, playgroups, etc.
- Self contained units on the premises. i.e. shop.
- Any parts of your building/hall occupied by others by contractual or other arrangement (except parts of a private dwelling).
- A black and white licence is not valid for the installation or use of colour TV equipment except where a digital box is installed or used with a black and white television set, as long as the digital box is not designed to record television programmes.

It is a criminal offence under the Communications Act 2003 and the Communications (Television Licensing) Regulations 2004, to use a TV in your village hall / community building without a valid licence. The responsibility for ensuring this does not happen is the responsibility of the trustees / management committee members, as they are responsible for any breaches of trust, which may occur. The maximum penalty, upon conviction is £1,000, for failing to comply with these requirements.

## Section 3: PREMISES LICENCE REQUIREMENTS

It is possible to use TVs and show films in your community building / village hall, provided that the correct procedures are followed.

Initially you will need to ensure that this is included on the Premises License, by completing the relevant section (Film and Recorded Music) on the Premises Licence 2003 Application Form, stating which days of the week, with start and finish times. There will be a fee applicable for this, even if it is a variation to your existing Premises Licence, along with the statutory requirement to publish the details in the local press.

### **You need a Premises Licence for your community building /village hall if:**

- You intend to show films
- You intend to show non- live TV programmes i.e. pre-recorded in the studio
- You intend to show pre-recorded entertainment on your TV using video or DVD

### **You do not need a Premises Licence for your community building /village hall if:**

- It is a one-off event, for which a Temporary Events Notice (TEN) application is made and fee paid.
- If it is a *live* broadcast entertainment, which is exempt from the licensing regime.

Community buildings/village halls that have a Premises Licence to sell alcohol need to ensure that they have the correct variations included to show films or use the TV.

Please note that where a film is shown with full sound, a PRS licence is also required for the use of the film's soundtrack. The same licence applies for the use of music in your building/hall so you may already be covered.

Community buildings/village halls which only use Temporary Events Notices (having up to a maximum of 12 licensed events per year, of which only 5 can be made by one organisation) still need to comply.

It is a criminal offence under the Licensing Act 2003, to use your community building/village hall to show films or use a TV as stated above, without a valid Premises Licence. The responsibility for ensuring this does not happen lies with the trustees / management committee members, as they are responsible for any breaches of trust, which may occur. The maximum penalty, upon conviction is, £5,000 for failing to comply with these requirements.

## SECTION 4: TYPES OF FILMS & LICENCE REQUIREMENTS

Once the Premises License issue is resolved, consideration needs to be made on the types of screening, as there are two types, 'theatrical' and 'non- theatrical'.

### Theatrical screening

- Screenings are advertised to members of the public.
- This is where the film is screened to members of the public and money is exchanged specifically for a ticket for the film, such as in a cinema.
- The film is usually booked from a film distributor.
- It is the responsibility of the organiser to make sure the audience is of the appropriate age for the film's BBFC (British Board of Film Classification) certificate. This can be checked on the BBFC website – see Section 7.

### Non- theatrical screening

- Screenings are not advertised to members of the public.
- This where the film is screened to a closed membership (film society) with no admission fee paid at the door.
- The films have been obtained from a 'non- theatrical' film society distributor.

### Licence Requirements

It is a popular misconception that it is perfectly legal to screen films to a non-paying audience for free and this is simply not the case. There are clear legal channels for screening any film outside a home environment.

A Public Video Screening Licence (PVSL) is legally required for all usage of film in the hospitality sector.

A copyright licence is required to screen films in public areas under the terms of the Copyright, Designs and Patents Act 1988. This includes both background screenings with or without sound, or screenings as part of a regular event/film night.

Any screenings of a film to a group of people requires licensing, regardless of whether they are a paying audience or not. The licensing for this sector is fairly complicated but the vast majority of films are available through two major gateway distributors, Filmbank and the BFI - see Section 7.

## SECTION 5: COPYRIGHT

Another issue, which often confuses people, is whether it is possible to screen any DVD to a public audience. Unfortunately, even when a disc is available to buy or rent for home use, this does not mean rights are automatically available for a public non-theatrical screening. The same stringent rights conditions apply to DVD screenings as for 16mm or 35mm screenings. DVD rights holders often only hold home entertainment licenses and are unable to grant public screening rights on their DVD titles. Clearing these rights for public screenings, particularly on older titles, can be a complex procedure, sometimes involving liaising directly with a film's producer or international sales agent. However, having said this, the explosion in available titles on DVD has definitely increased access to a wider range of titles for the non-theatrical sector and thus expanded cultural programmers' pool of available titles.

By law, as well as by intent, the pre-recorded videocassettes and DVDs ("Videos") which are available in stores throughout the United Kingdom are for home use only - unless you have a licence to show them elsewhere.

Rentals or purchases of Videos do not carry with them licences for non-home showings. Before you can legally engage in non-home showings, you must have a separate licence which specifically authorises such use.

These simple, straightforward rules are embodied in the Copyright, Design and Patents Act 1988. Any institution, organisation, company or individual wishing to engage in non-home showings of Videos should be aware of the Copyright Act's provisions governing the showing of Videos, which are highlighted below:

- The rental or purchase of a Video does not carry with it the right to perform, show or play the work in public.
- Videos may be shown without a licence in the home to a normal circle of family and its social acquaintances because such showings are not "public." Any performance outside a "domestic and private context" is considered a public performance.
- Other showings of Videos are illegal unless they have been authorised by licence. Even performances in 'semipublic' places such as clubs, lodges, factories, and summer camps are 'public performances' subject to copyright control.
- Community buildings, village halls, institutions, organisations, or individuals wishing to engage in non-home showings of Videos must secure licences to do so - regardless of whether an admission or other fee is charged.

The Copyright Act grants to the copyright owner the exclusive right, among others, "to perform the copyrighted work in public" (Chapter II Section 16)



## SECTION 6: ORGANISATION

The final question to be resolved is who actually is going to organise and run the showing of the films and whether the general public are going to be allowed to purchase tickets.

There are three alternatives:-

- A Film Society – restricted to its own members.
- A separate organisation/club – open to the general public.
- Run by the Trustees/management committee, either from full committee or as a sub-committee – open to general public.

Your choice from these alternatives will dictate if the showing of films will be open to the general, fee paying public:

### ***Film Society***

- Run by members for its members – written constitution and a management committee
- Not restricted to one venue
- Members agree types of films to screen
- Does not advertise screenings
- Formation of Film Society Committee
- Committee agree fees, budget and fund raising policy
- Committee undertake their own publicity & marketing
- Membership restricted to persons over 16 only
- Can only screen films from a commercial distributor
- Committee responsible for hiring the venue and its own Public Liability Insurance.
- Profits retained by Film Society

### ***Separate club / organisation***

- Run by a voluntary committee for the general public
- Many not restricted to one venue
- Committee agree types of films to screen, to meet general public demand
- Can advertise screenings
- Committee agree fees, budget and fund raising policy
- Committee undertake their own publicity & marketing
- No membership requirements
- Can only screen films from a theatrical distributor
- Committee responsible for hiring the venue and its own Public Liability Insurance.
- Profits retained by club/organisation

### ***Run by the Trustees/management committee***

- Run by the trustee/management committee for the general public in area of benefit
- Restricted to one venue
- Committee agree types of films to screen, to meet general public demand
- Can advertise screenings
- Committee agree fees, budget and fund raising policy
- Committee undertake their own publicity & marketing
- No membership requirements
- Can only screen films from a theatrical distributor
- Committee responsible for extending its Public Liability Insurance.
- Profits put back into Community Building/Village Hall

## SECTION 7: FURTHER INFORMATION AND HELP

ACRE has produced two information sheets: No.9 The Community Building and its Premises Licence and No. 13 Performing Rights Society (PRS). These can be emailed to you free of charge.

Cambridgeshire ACRE's Community Facilities Advisor, Philip Peacock, is on hand to answer any queries community building/village hall management committees might have about appropriate licence / films for community buildings/village halls. Contact Philip on tel: 01353 865033 or email: philip.peacock@cambsacre.org.uk to discuss your queries.

Additional information can be obtained from:

**British Federation of Film Societies** – [www.bffs.org.uk](http://www.bffs.org.uk)

BFFS is the national support and development agency for the film society and community cinema movement. Provides training, conference and networking opportunities. Publishes information and educational material via Advice Leaflets and Briefing Notes.

**British Board of Film Classification** – [www.bbfc.org.uk](http://www.bbfc.org.uk)

The British Board of Film Classification is an independent, non-governmental body, which has classified cinema films since it was set up in 1912 and videos since the passing of the Video Recordings Act in 1984. Film classification details can be checked on the BBFC's website.

**Independent Cinema Office** – [www.independentcinemaoffice.org.uk](http://www.independentcinemaoffice.org.uk)

The national organisation for the development and support of independent film exhibition in the UK. The ICO works in association with independent cinemas, film festivals, film societies and the regional and national screen agencies.

**British Film Institute** – [www.bfi.org.uk](http://www.bfi.org.uk)

BFI is the British Film Institute. World-renowned archive, cinemas, festivals, films, publications and learning resources.

**Motion Picture Licensing Corporation** – [www.themplc.co.uk](http://www.themplc.co.uk)

The MPLC is an independent copyright licensing agency that provides the MPLC Umbrella Licence to ensure copyright compliance for the public performance of motion pictures using videos/DVDs for home use, at a public screening.

**Film Bank** – [www.filmbank.co.uk](http://www.filmbank.co.uk)

Filmbank provides a number of different licenses to suit both commercial and non-commercial, non-theatrical exhibition and provides clear guidelines as to which license is appropriate for any given screening. In addition Filmbank has one of the largest film libraries in Europe, with titles ranging from the present day to as far back as the 1920's.

**UK Film Council** – [www.ukfilmcouncil.org.uk](http://www.ukfilmcouncil.org.uk)

The UK Film Council is the Government-backed lead agency for film in the UK. It also administers the National Lottery Funding for Film – including Film Festivals.

**Find Any Film** – [www.findanyfilm.com](http://www.findanyfilm.com)

Find the latest releases, with up to date information about new films and new releases on DVD or Blu-ray, downloads and TV screenings.