

Subject: Hypnotism Act 1952 (as amended) **Status:** For Publication

Report to:
Full Council

Date:
25th June 2008

Report of: Executive Director of Regulatory Services

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To inform members of the Hypnotism Act 1952 (as amended).
- 1.2 To inform members of the proposed conditions to be attached to consents for the performance of stage hypnotism.
- 1.3 To request that the committee delegate authority to the Licensing Manager to determine any requests/applications under The Hypnotism Act 1952.
- 1.4 To request that the committee approve the application fee and determine this fee as non-refundable.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
 - Well Managed Council (Improvement, Community Network) as this is a statutory requirement.

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 In order for the Council to properly carry out its legal duties, it should adopt the model standards for the performance of hypnotism under The Hypnotism Act 1952.

3.2 The model standards should be adopted to maintain public safety at performances of hypnotism.

4. BACKGROUND AND OPTIONS

4.1 Members will be aware that with effect from November 2005, the Licensing Act 2003 replaced the Public Entertainment Licensing regime under the Local Government (Miscellaneous Provisions) Act 1982.

4.2 The Council previously controlled performances of hypnotism by imposing standard conditions on all public entertainment licences.

4.3 Under the Licensing Act 2003, a premises licence which authorises regulated entertainment does not permit the performance of hypnotism, unless specifically stated.

4.4 It is therefore necessary for an application to be made to the Council for authority to do so under the Hypnotism Act 1952.

4.5 The Act states, "No persons shall give an exhibition, demonstration or performance of hypnotism on any person at or in connection with entertainment to which the public are admitted whether on payment or otherwise at a place in relation to which a premises licence is in force, unless the authority has authorised that exhibition, demonstration or performance". This provision does not apply to the performance of a play.

4.6 Hypnotism includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction increased or intended to be increased, but does not include hypnotism, mesmerism or any such similar act or process which is self induced.

4.7 It is an offence to hypnotise any person under the age of 18.

4.8 The proposed conditions (attached as Appendix A) are considered to be acceptable and are based on the model conditions produced by the Home Office review panel comprising experts nominated by the British Psychological society and the Royal College of Psychiatrists.

4.9 Members are invited to approve the proposed application fee of £35.00. This fee should not be refundable.

4.10 Finally, members are requested to delegate authority to the Licensing Manager to determine future applications under the Act.

COMMENTS FROM STATUTORY OFFICERS

5. SECTION 151 OFFICER

5.1 It is not anticipated that the setting of the recommended fee will have any material financial impact on Council resources.

6. MONITORING OFFICER

6.1 The recommendations are within the powers of the Council.

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 There are no direct human resource implications.

8. CONCLUSION

8.1 Adopting the proposed conditions to be attached to consents for performance of stage hypnotism will allow the Council to properly carry out its legal duties and will protect the public at these performances.

8.2 Approval of the application fee will allow the Council to deliver the service without creating a financial burden on other Council services.

9. RECOMMENDATIONS

9.1 That Full Council be recommended:

1. To update the Constitution to include the Hypnotism Act 1952 and to delegate authority to the Licensing Manager to determine requests/applications under the Act.
2. To adopt the proposed conditions to be attached to consents for the performance of stage hypnotism.
3. To approve the application fee of £35.00 and determine this fee as non-refundable.

10. CONSULTATION CARRIED OUT

10.1 Licensing Unit

10.2 Home Office Circular 39/1996 (Stage hypnotism: Review of the Hypnotism Act 1952)

10.3 Legal Services

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

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Appendices	
Document	Place of Inspection
Proposed conditions to be attached to consents for the performance of stage hypnotism	Appendix A