

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: TAXI AND OTHER LICENSING COMMITTEE

DATE: 14TH MARCH 2016

Report Author: Andrew Smith
Tel. No: 01282 661987
E-mail: andrew.smith1@pendle.gov.uk

APPLICATION TO AUTHORISE HYPNOTISM PERFORMANCE

PURPOSE OF REPORT

To consider an application for consent to hold a performance by a hypnotist at the Ace Centre, Cross Street, Nelson on Saturday 16th April 2016.

ISSUE

A. The Application

1. The application (received 26th February 2016) is by Mr. Simon Simpson (Stage Name: Simon Sayers) of 19 Holme Bank Mews, Nelson. Mr. Simpson has not previously applied for such a consent to this Authority.
2. A copy of the application was forwarded to Lancashire Constabulary, for comment, on 29th February 2016. Lancashire Constabulary responded on 1st March 2016 with no details relevant to the application.
3. Although the event is scheduled for 16th April 2016, this may change in order to give the performer more time to promote, assuming the consent is granted.

B. Application Details

4. The application form together with details of Mr. Simpson's public liability insurance policy, training certificates and accompanying letter are attached as Appendix 1. A letter was sent to Mr. Simpson on 4th March 2016 ensuring he supply the actual Public Liability Certificate or similar confirmation that the policy is in force.
5. It is noted from the application that the applicant is not a member of a professional organisation (for example the GHSC (General Hypnotherapy Standards Council or FESH (Federation of Ethical Stage Hypnotists)) but Mr. Simpson has been written to provide any further details. The Training Certificate from Innervations shows that Mr. Simpson has

undergone training in hypnotherapy and psychotherapy. Furthermore, the training certificate relating to Rapid Induction Techniques is understood to be a one day course run by Lionheart Training. Mr. Simpson has not provided any details of certification in relation to stage hypnosis and committee may wish to take this into account when considering the application.

C. Background Information

6. In England and Wales an act of hypnotism is not now licensable as entertainment, under the Licensing Act 2003. It is therefore necessary for an application to be made to the Council for authority to carry out hypnotism under the Hypnotism Act 1952 (as amended) (Background Information 2).
7. 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, expressly in writing. This provision does not apply to performance of a play. Any authorisation may be subject to conditions.
8. 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 is increased or intended to be increased, but does not include hypnotism, mesmerism or any such similar act or process which is self-induced. It is an offence to hypnotise any person under the age of 18.
9. In 1996 the Home Office reviewed the Hypnotism Act 1952 (see Background Information 1) taking into account various expert opinion. A panel from the British Psychological Society and the Royal College of Psychiatrists concluded that there was no evidence of serious risk to participants in stage hypnosis, and that any risk which does exist is much less significant than that involved in many other activities. They considered that the small potential risk which does exist could be alleviated through applying clearer conditions to the regulation of performances and providing more information to audiences to enable them to make an informed choice before deciding whether to participate.
10. At previous committees (13th October 2011 and 3rd October 2012) hypnotism has been approved, although these performances do not relate to Mr. Simpson or the Ace Centre.

D. Considerations

11. If the Committee is minded to approve the application, a set of conditions will be attached to the consent. These conditions are attached as Appendix 2.

IMPLICATIONS

Policy: There have been no changes to policy.

Financial: None arising directly from the report.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

1. Application form, insurance details, training certificates and letter of application.
2. Conditions to be attached.

LIST OF BACKGROUND PAPERS

1. Home Office Circular 39/1996.
2. Hypnotism Act 1952.