



---

<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>28 JANUARY 2010</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ENVIRONMENT PHIL LONG</b>
<b>TITLE OF REPORT:</b>	<b>THE AUTHORISATION OF HYPNOTISM – THE HYPNOTISM ACT 1952 (AS AMENDED)</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

---

## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to provide information regarding the authorisation of hypnotism at or in connection with an entertainment, and recommends the adoption of conditions to be applied to any authorisation given by the Council as controlling authority

### **2.0 RECOMMENDATION(S)**

2.1 It is recommended that:

- (i) That the staging of hypnotism as a means of entertainment be subject to the conditions set out in Annex B

### **3.0 REASON FOR RECOMMENDATION**

3.1 To enable hypnotism as a form of entertainment to be staged in accordance with the Hypnotism Act 1952 (as amended), authorisation is required from the local authority. The adoption of conditions recommended in Annex B will protect the welfare and safety of those attending such an event.

### **4.0 SIGNIFICANT RISKS**

4.1 The risk is that the Council have no approved conditions to attach to any such authorisation, thereby compromising the welfare and safety of those attending such an event. A risk matrix is available in Annex A.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 Formerly, the Local Government (Miscellaneous Provisions) Act 1982 regulated the performance of hypnotism under the authorisation of a public entertainment licence (PEL). On 24 November 2005, The Licensing Act 2003 replaced PELs by Premises Licences. New guidance has recently been received confirming that Premises Licences cannot be issued to permit the performance of hypnotism, because hypnotism is not regulated entertainment under the terms of the Licensing Act 2003. Conditions regarding hypnotism cannot be attached to a Licensing Act Premises Licence nor can a Temporary Event Notice (TEN) be used for a performance of hypnotism. It is therefore necessary for the Council to make provision to be able to accept applications for authorisations under the Hypnotism Act 1952 (as amended).

### **6.0 POLICY CONTEXT**

6.1 The following Policies have informed this report:

- Council Plan 2009-13 – Aim 4: to have active communities where everyone feels welcome and safe.
- Ryedale District Council Licensing Policy 2008.

### **7.0 CONSULTATION**

7.1 Officers are not aware of any premises having offered hypnotism or any hypnosis as a means of entertainment in the Ryedale District in the last 5 years or more. Due to this it has not been possible to consult with local providers. The conditions have been compiled after reviewing conditions set by other local authorities and are available in Annex B.

### **8.0 REPORT DETAILS**

8.1 The Hypnotism Act 1952 (as amended) requires that no person 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 any place, unless the authority (as controlling authority) has authorised that exhibition, demonstration or performance. Any authorisation may be subject to conditions. "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.

8.2 It is an offence to give an exhibition, demonstration or performance of hypnotism on any person or in connection with entertainment to which the public are admitted whether on payment or otherwise unless the authority has authorised the exhibition, demonstration or performance. There is a maximum fine of £1000. It is also an offence to hypnotise any person under the age of 18.

8.3 Under the terms of the Constitution The Head of Environment has delegated authority to determine applications made under the Hypnotism Act 1952 (as amended).

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

- a) Financial  
There is no provision in the Hypnotism Act to charge for an authorisation.
- b) Legal  
The Council as controlling authority need to adopt conditions that can be attached to any application made under the Hypnotism Act (as amended).
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
None

**Phil Long**  
**Head of Environment**

**Author:** Steven Richmond, Health and Environment Manager  
**Telephone No:** 01653 600666 ext: 247  
**E-Mail Address:** [steve.ricmond@ryedale.gov.uk](mailto:steve.ricmond@ryedale.gov.uk)

**Background Papers:**  
None

**Background Papers are available for inspection at:**  
Not applicable