



LICENSING AND REGULATORY PANEL

Meeting to be held in on
Tuesday, 4th August, 2009
at 11.30 am approximately

(At the conclusion of the Licensing Committee)

MEMBERSHIP

Councillors

S Armitage	R D Feldman (Chair)	C Townsley	T Grayshon
M Dobson		D Wilson	
J Dunn	G Wilkinson		
V Morgan			
B Selby			

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

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3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6	Wetherby;		<p>PERFORMANCE OF HYPNOTISM - HUGH LENNON & HYPNODOG - LEEDS FESTIVAL, BRAMHAM PARK ESTATE</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on details of a request for the performance of hypnotism at the Leeds Festival 2009 to be held at Bramham Park, Wetherby during the August Bank Holiday weekend.</p> <p>(Report attached)</p>	1 - 10

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Originator: S Holder

Tel: 2474720

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing and Regulatory Panel

Date: 4 AUGUST 2009

**Subject: PERFORMANCE OF HYPNOTISM
HUGH LENNON & HYPNODOG
LEEDS FESTIVAL BRAMHAM PARK ESTATE**

Electoral Wards Affected:

Wetherby

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

This report provides Members with details of a request for the performance of Hypnotism at the Leeds Festival 2009 to be held at Bramham Park Wetherby over the August Bank Holiday.

1.0 PURPOSE OF REPORT

1.1 This report informs Members of the receipt of a request for a performance of Hypnotism under Hypnotism Act 1952.

2.0 BACKGROUND INFORMATION

2.1 Members should note that under the Hypnotism Act 1952 the Local Authority have the power to grant licences for the exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place in relation to which a licence for public dancing, singing music or other public entertainment of the like kind is in operation.

3.0 MAIN ISSUES

3.1 Hugh Lennon & Hypnodog have presented a stage hypnotism show for the past 35 years. For the last 10 years they have performed at the Leeds Festival both at Bramham Park and Templenewsam Park.

3.2 A copy of the show content and a risk assessment are attached at Appendix 1 for members information.

- 3.3 Mr. Lennon is a founder member of the European Guild of Professional Stage Hypnotists and Equity
- 3.4 A copy of the Public Liability insurance for Mr Lennon is attached at Appendix 2 for Members information. Members will note that this insurance expires on the 22 August 2009, Mr. Lennon has undertaken to produce the renewed documents prior to the performance.
- 3.5 Attached at Appendix 3 for members information is a copy of the conditions attached to a performance of Hypnotism.

4.0 Implications for Council Policy and Government

- 4.1 There are no implications for Council policy and governance in respect of determining this application.

5.0 Legal and Resource Implications

- 5.1 There are no legal or resource implications

6.0 Recommendations

- 6.1 Members are requested to note the content of the report and either grant or refuse the request.
- 6.2 If Members are minded to approve the performance then the conditions as mentioned in paragraph 3.5 should be attached to the approval.

HYPNOTIST HUGH LENNON'S SHOW CONTENTS

Hugh starts the show with an introduction talk explaining what the show is about and then asks for volunteers to take part.

Fifteen volunteers are invited to take their seats on stage and are taken through a relaxation exercise. This takes the best part of the first fifteen minutes of the show. Once deeply relaxed, each volunteer is given a series of suggestions to perform.

Suggestions given to each volunteer are listed below:

1. All volunteers are told that they are part of a method acting school and made to do impression of a steam train, a typewriter, a blooming rosebud, frankenstein's monster and a gold fish.
2. In this part of the show, the following suggestions are given individually:
 - A. One person is told that number seven is missing and several tests are done i.e counting his fingers, given additions where number seven is included but always ignored by volunteer.
 - B. Another person is told that he/she is stuck to his/her chair and cannot get up.
 - C. Person told that a book he/she is given to read is hilarious.
 - D. Person is told that he is a famous conductor and told to conduct his orchestra when a certain piece of music is played.
 - E. Another is told that each time he hears a certain piece of music, he thinks he's a ballet dancer.
3. A series of more suggestions are then given as follows:
 - A. Two male volunteers are each given a female name and laugh at each other without realising that they themselves have female names.
 - B. A male is told he is John Travolta and dances to the appropriate music.
 - C. Same as above with all female volunteers dancing to Madonna music.
 - D. All volunteers told that a fifty pence piece weighs a hundred pounds and attempt in vain to pick up the coin from the floor.
 - E. All volunteers are told that there is an awful smell on the stage and blames the person next to them then realises that it is coming from their own feet.
4. All volunteers are told that the Hypnotist is invisible. Volunteers react to different objects such as plastic shark, hankerchief, chair etc moving in mid air.
5. More volunteers are given suggestions to perform as Michael Jackson, Spice Girls etc.
6. Finally, Hugh removes all suggestions before sending his volunteers back.

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HUGH LENNON & HYPNODOG

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www.hypnodog.co.uk

35 years experience

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Risk assessment - 2009

The outcome of a six-month study of possible risks of Stage Hypnosis by a panel of experts appointed by the Home Office was as follows (actual wording):

“....There are no more risks than any other activity....”

Based on my personal experience of 35 years as a Stage Hypnotist, here are some possible risks (mostly physical) and the steps I have always taken to prevent them.

- The possibility of volunteers falling off stage or tripping on cables etc..

Steps taken:

- A. Volunteers are always seated when eyes are closed and always perform with eyes open when standing.
- B. All speaker cables are taped down to the stage.
- C. A white tape is placed away from the front of the stage and volunteers are given repeated suggestions ‘not to cross over the white line’ (This is also suggested in the Home Office guidelines). Stage area always checked before the show by Hugh’s assistant for any possible obstacles.

- Possibility of volunteers getting hurt in audience.

Steps taken:

Volunteers are kept on stage at all times and never given any suggestions to perform in the audience.

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- **Possibility of volunteers getting dehydrated usually caused by the heat of spotlights**

Steps taken:

__A few years ago, some volunteers used to complain having headaches at the end of the show. Plenty of water was then made available on stage and this seemed to have solved the problem. Not had any complaints of headache for the last 25 years.

- **Possibility of volunteer(s) leaving the building/venue during the interval therefore missing the removal of suggestions which usually takes place at the end of the show.**

Steps taken:

- **There is no intervals for festival performances. In other venues, when Hugh performs his full two-show, volunteers are kept on stage (fully awake), and Hugh and assistant are always present to ensure that they don't leave the stage.**

Please note:

All suggestions are fully removed at the end of the show and all other Home Office guidelines are fully complied to in this show.

To Whom It May Concern
Public Liability Insurance
Mr Hugh Lennon

This is to confirm that the above named has a Public Liability Insurance Policy, with a Limit of Indemnity of £1,000,000 in the aggregate including costs and expenses, through Royal & SunAlliance under Policy No. RTT200823/3.

The period of insurance is 23rd August 2008 - 22nd August 2009.

The territorial limits of this policy are Worldwide excluding USA and Canada. The policy provides an indemnity in respect of the Insured's legal liability in respect of bodily injury to third parties and damage to third party property, arising from the Insured's business as '**Stage Hypnotist Only**', subject always to the terms, conditions and exclusions of the Royal & SunAlliance policy.

In some circumstances, such as non-payment of any premiums due, cancellation may occur before the natural expiry date of the policy. We would be pleased to confirm the present position upon request.

In the event of any queries, please do not hesitate to contact the undersigned.

With kind regards,

Yours sincerely,

Matt Walker
Commercial Account Handler
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CONDITIONS ATTACHED TO A CONSENT TO PERFORM HYPNOTISM

Publicity

(a) no poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;

(b) every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement;

“ Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance”

Insurance

(c) the performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the Local Authority if requested; and must be available for inspection at the performance.

Physical arrangements

(d) the means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction;

(e) a continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance;

Treatment of audience and subjects

(f) before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement which may be amended as necessary to suit individual styles so long as the overall message remains the same:

“ I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful, Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant.”

(g) no form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g. asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at any stage;

(h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

Prohibited actions

(i) the performance shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;

(j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In **particular** the performance shall not include:-

- (i) any suggestion involving the age regression of a subject (i.e.), asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.)
- (ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;
- (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy");
- (iv) The consumption of any harmful or noxious substance;
- (v) Any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin);

(k) the performance shall not include giving hypnotherapy or any other form of treatment;