



Leeds
CITY COUNCIL

Public Document Pack

Meeting called at Short Notice under the provisions of paragraph 4.1 of the Access to Information Procedure Rules

LICENSING AND REGULATORY PANEL

Meeting to be held in Committee Room, Civic Hall on
Tuesday, 8th September, 2009
at 9.30 am

MEMBERSHIP

Councillors

S Armitage

M Dobson

J Dunn

V Morgan

B Selby

R D Feldman
(Chair)

G Wilkinson

C Townsley

D Wilson

T Grayshon

Agenda compiled by:
Constitution & Corporate Governance
Civic Hall

Helen Gray
247 4355

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> <ol style="list-style-type: none"> 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. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- <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	City and Hunslet;		<p>PERFORMANCE OF HYPNOTISM - MR D BOLTON - THE VUE CINEMA, THE LIGHT SHOPPING CENTRE, THE HEADROW, LEEDS LS1</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) with details of a request for the performance of hypnotism located within The Light Shopping Centre, Leeds LS1. The performance is proposed for 6th October 2009.</p> <p>(Report attached)</p> <p>Members will note that the Licensing and Regulatory Panel scheduled for today's date at 10.00 am was previously cancelled due to lack of business. Since that cancellation, this application has been made. This application needs to be dealt with prior to the next Panel meeting scheduled on 17th November 2009.</p>	1 - 8

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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: 8 SEPTEMBER 2009

Subject: PERFORMANCE OF HYPNOTISM

DAVID BOLTON

VUE CINEMA THE LIGHT SHOPPING CENTRE THE HEADROW LEEDS 1

Electoral Wards Affected:

City & Hunslet



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 Vue Cinema The Light Shopping Centre The Headrow Leeds 1

1.0 PURPOSE OF REPORT

- 1.1 This report informs Members of the receipt of a request for a performance of Hypnotism under the 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 Mr. Bolton the Hypnotist has performed as a stage hypnotist for the past 24 years and though not performed in the Leeds City Council area he has performed in many local authority areas in the North and has recently been given a permit to perform in the Sheffield area.
- 3.2 A copy of the show content is attached at Appendix 1 for members information.
- 3.3 Mr. Bolton is a member of the Federation of Ethical Stage Hypnotists and Equity

3.4 A copy of the Public Liability insurance for Mr. Bolton is attached at Appendix 2 for Members information.

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 and Mind Reader

DAVID
BOLTON

Contents of Show

Feeling hot/cold
Thinking they are on beach
Bothered by flies
Rowing gently then Oxford Cambridge boat race
Believing they have won the lottery
Stuck to chairs/floor/each other
Dance competition
Thinking they are super models/sports personalities/actors
Getting drunk on water
Speaking alien language
Male thinks he's pregnant
X-ray vision
Hypnotist is invisible – haunted house
Seeing someone famous in the audience
Watching happy/sad/funny movie
Worst joke teller
Believe they have invisible pet
Back in audience believing not hypnotised but return on command
Strong man/weak man

Member of:  PSYCHIC ENTERTAINERS
ASSOCIATION

Tel: 0845 094 4025 Mob: 07966 865 934 Email: david@hypnomagic.co.uk Web: www.hypnomagic.co.uk

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Lloyd's Certificate

Effected through
Marketform Limited
8 Lloyd's Avenue
London
EC3N 3EL

This is to Certify that the Underwriting Members of the Syndicates whose definitive numbers and proportions are shown in the Table attached hereto (hereinafter referred to as 'the Underwriters'), hereby agree, in consideration of the payment to them, by or on behalf of the Assured of the Premium specified in the Schedule, to insure against loss, including but not limited to associated expenses specified herein, if any, to the extent and in the manner provided in this Certificate.

The Underwriters hereby bind themselves severally and not jointly, each for his own part and not one for another, and therefore each of the Underwriters (and his Executors and Administrators) shall be liable only for his own share of his Syndicate's proportion of any such Loss and of any such Expense.

If the Assured shall make any claim knowing the same to be false or fraudulent, as regards amount or otherwise, this Certificate shall become void and all claim hereunder shall be forfeited.

In Witness whereof this Certificate has been signed at the place stated and on the date specified in the Schedule by

MARKETFORM LIMITED

CAROL CARTER

THE ASSURED IS REQUESTED TO READ THIS CERTIFICATE AND, IF IT IS INCORRECT, RETURN IT IMMEDIATELY TO YOUR BROKER FOR ALTERATION.

IN ALL COMMUNICATIONS THE CERTIFICATE NUMBER APPEARING IN LINE ONE OF THE SCHEDULE SHOULD BE QUOTED.

SCHEDULE

Policy No:	MT0028281
The Assured:	David Bolton
Business:	Stage Hypnotist
Address:	10 Calverley Gardens Wombwell Barnsley S73 0DT
Period of Insurance	From: 27 th March 2009 To: 26 th March 2010 Both days inclusive Local Standard Time at the above address
Renewal date:	27 th March 2010
Premium (including Insurance Premium Tax)	GBP 525.00
Premium (excluding Insurance Premium Tax)	GBP 500.00
Limit of Indemnity	GBP 1,000,000 Any one claim or series of claims arising out of one occurrence/unlimited in the period of insurance and in all in respect of products.
Excess:	GBP 500.00 each and every claim including costs and expenses --
Notice of Claims Address:	Tasker and Partners Limited 37-39 Lime Street London EC3M 7AY
Proposal Form Dated:	23 rd March 2009
Dated in London	17 th April 2009

Important Notice to the Assured
Please read this Policy carefully to ensure that it is in accordance with your requirements and that you understand it fully. Marketform Syndicate 2468 should be contacted immediately if any correction is necessary

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;