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## LICENSING AND REGULATORY PANEL

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Meeting to be held in Committee Room, Civic Hall on  
Monday, 26th October, 2009  
at 9.15 am

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### MEMBERSHIP

#### Councillors

S Armitage

M Dobson

J Dunn

V Morgan

B Selby

R D Feldman  
(Chair)

G Wilkinson

C Townsley

D Wilson

T Grayshon

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></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><b>DECLARATIONS OF INTEREST</b></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><b>APOLOGIES FOR ABSENCE</b></p>	
6	Cross Gates and Whinmoor;		<p><b>PERFORMANCE OF HYPNOTISM - MR D GORDON, THE STATION HOTEL, 1 STATION ROAD, LEEDS LS15 7JX</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on details of a request for a performance of Hypnotism under the Hypnotism Act 1952 to be held at the Station Hotel, 1 Station Road, Leeds LS15 7JX.</p> <p>(Report attached)</p>	1 - 20

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Originator: S Holder

Tel: 2474720

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**Report of the Assistant Chief Executive (Corporate Governance)**

***Report to the Licensing and Regulatory Panel***

**Date: 26 OCTOBER 2009**

**Subject: PERFORMANCE OF HYPNOTISM  
DEREK GORDON  
STATION HOTEL, 1 STATION ROAD, LEEDS LS15 7JX**

**Electoral Wards Affected:**  
Crossgates & Whinmoor

No Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**EXECUTIVE SUMMARY**

This report provides Members with details of a request for the performance of Hypnotism at the Station Hotel 1 Station Road Leeds LS15 7JX

**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. Gordon the Hypnotist has performed as a stage hypnotist for the past 5 years and last performed in the Leeds City Council area in November 2008. His last three performances were in the Hull area.

3.2 A copy of the application for consent for a exhibition, demonstration or performance of Hypnotism is attached at Appendix 1 for Members information.

- 3.3 A copy of the content of the performance is attached at Appendix 2 for members information.
- 3.4 Mr. Gordon is a member of the British Academy of Hypnosis. A copy of the British Academy of Hypnosis code of conduct is attached at Appendix 3 for Members information.
- 3.5 A copy of the Public Liability insurance for Mr. Gordon is attached at Appendix 4 for Members information.
- 3.6 Attached at Appendix 5 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.

Appn. Ref. No.	
Visited	
Officer	
Consent given	

- 9 OCT 2009

Hypnotism Act 1952 )

## Application for consent for a exhibition, demonstration or performance of Hypnotism

<b>Name of the Hypnotist</b>	Derek Gordon
<b>Address of Hypnotist</b>	112, Western Gailes Way Salt House Road, Hull HU8 9FG
<b>Contact number</b>	01482 783080      MOBILE 07875732274



	<b>LAST THREE VENUES</b>
<b>Name of Venue</b>	The Robin
<b>Date</b>	9 <sup>th</sup> October 09
<b>Description of Act</b>	Hypnotism
<b>Contact Number</b>	01482 794111

<b>Name of Venue</b>	The Red Lion
<b>Date</b>	2 <sup>nd</sup> October 09
<b>Description of Act</b>	Hypnotism
<b>Contact Number</b>	01482 656641

<b>Name of Venue</b>	Punch Bowl
<b>Date</b>	8 <sup>th</sup> August 09
<b>Description of Act</b>	hypnotism
<b>Contact Number</b>	01482 377453

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<b>Details of the exhibition,</b>	
<b>Where is the exhibition, demonstration or performance of hypnotism to take place?</b>	The Station Hotel, 1 Station Road, Leeds, LS15 8BZ
<b>When is the exhibition, demonstration or performance of hypnotism to take place? Please give date(s) and time(s)</b>	3 <sup>rd</sup> November 2009 at 915pm
<b>Please describe the nature of the proposed exhibition, demonstration or performance of hypnotism</b>	Please Refer to attached Letter
<b>If the performance includes hypnotising members of the public, will minders stay with hypnotised subjects during the show including the interval?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Is the Hypnotist providing a minder for each hypnotised subject?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If the answer to the above is "no", how many hypnotised subjects will a minder supervise?</b>	Five to Six Subjects
<b>Has the Hypnotist ever been refused or had withdrawn a consent for hypnotism by any licensing authority?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If the answer to the above is "yes" please give details</b>	
<b>Has the Hypnotist ever been convicted of an offence under the Hypnotism Act 1952?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If the answer to the above is "yes" please give details</b>	

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<p>Has the Hypnotist ever been convicted of an offence involving the breach of a condition regulating or prohibiting the giving of an</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Is the Hypnotist a member of any professional body relating to Hypnotism?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>If the answer to the above is "yes" please give details</p>	<p>Hypnotherapy (DIP H) National Health Code 8G W66 The British Academy of Hypnosis, Membership Number (M10506)</p>
<p>Has the Hypnotist ever been barred from the Federation of Ethical Stage Hypnotists or the European Guild of Professional Stage Hypnotists or any other</p>	<p>No</p>
<p>If the answer to the above is "yes" please give details</p>	<p>/ /</p>

<p>I/we have read</p>			
<p>Signed (Hypnotist)</p>	<p><i>Dere London</i></p>		
<p>Date</p>	<p>4/10/09</p>		

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Date: 1/10/09

**DEREK GORDON**  
**Dip H(E.C.C.H) B.A Hyp**  
**112 Westerngailes Way**  
**Hull**  
**HU8 9FG**  
**01482 783080**  
**07875732274**

**RE: Application for performance of Hypnotism at ,The Station Hotel, Station Road, Leeds, LS15 8BZ**  
**On The 3<sup>rd</sup> November 2009**

Dear, Sir / Madam,

I am writing as a qualified Hypnotist wishing to perform a show at the above venue. Please find attached as requested a detailed synopsis of the show.

I am a qualified stage hypnotist, and have performed at many private parties and Pubs and Clubs.

I am wanting the show to be a light hearted night of entertainment for the audience and an experience for the volunteers.

My show is based around a mixture of suggestions and entertaining, background music which shall produce a night of safe, harmless entertainment for everyone involved.

**Physical Arrangements**

The stage will be checked for any obstructions or hazard which may cause injury to any person.

The stage will be adequately lighted for the show. If the stage is raised, there will be a continuous, visible line taped away from the edge of the stage to prevent accidents and I will make it known to the volunteers once under that they should not cross the line. I will assure the chairs used are safe and that all props are used in a safe manor.

Before the show begins I will let the audience know that I will be the guide for the next hour, I will explain for health & safety purposes who can and cannot volunteer, people must be over eighteen years of age and a willing volunteer , anyone suffering from asthma, epilepsy or anyone with medical problems and illness, under the influence of alcohol or drugs or are pregnant should not volunteer.

I will of course observe volunteers to ensure there are none inebriated or showing signs of drug use.

I will then explain that the volunteers will not show any signs of indecency or reveal any secrets and this is just a fun evening of entertainment for people who are game for a laugh and that the participants may cease to participate at any time they wish to do so.

It will then be time for the show to commence as per details in the attached sheet.

Also attached with this letter is:

- Application form per performance.
- Copy of British academy of hypnosis stage code of conduct
- Copy of Public Liability Insurance certificate
- Marketing and publicity material

I hope this adheres to your requests and will be happy to provide further information if requested.

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**DEREK GORDON'S HYPONASTIC EXPERIENCE - STAGE HYPNOTIST SHOW**  
**B.A HYP, Dip H (E.C.C.H)**

Basis synopsis of show.

**THE SHOW**

- ◆ Suggestibility tests to show who is susceptible to hypnosis and who will be alleviated at this stage. A simple hands clasped test and arm levitation.
- ◆ Induction - Placing volunteers into a hypnotic trance.
- ◆ Contract - speak to volunteers once under explaining they will listen to me and me only and take their direction from the hypnotist. Also if they should leave the building all hypnotic suggestions will be cancelled.
- ◆ Volunteers will then carry out suggestions from the hypnotist.
- ◆ Piano Playing, violin playing, surfing, pretend to be monkeys, become ballerinas, washing machine.
- ◆ Hot day - will think it is hot and then cold , will huddle to keep warm
- ◆ Will dance to music or play the part of an actor actress in a Hollywood film, or singer
- ◆ Have rubber nose or enlarged part of body
- ◆ Be in the grand national or formula one race
- ◆ Become an animal.
- ◆ Stuck to the chair, tickly chair
- ◆ Invisible hypnotist
- ◆ Male strippers - taking off no more than shirt! Or pole dancers - taking no item or clothing off.
- ◆ Forgetting name, number
- ◆ Winning lottery or bingo
- ◆ Xray glasses, funny or bad smells - explaining at no time will the person be physically sick.

As you can see all content is light hearted and humorous but under no circumstances offensive or degrading.

I as the hypnotist will have the volunteers and audiences welfare and safety as priority at all times.

No suggestion of age regression will be used. No demonstration of catalepsy will be performed. No consumption of harmful or toxic substances will be consumed. No demonstration of the power of hypnosis to block pain will be used.

Under no circumstances will I abuse my position as hypnotist.

- ◆ Completion of show - All hypnotic and post hypnotic suggestions will be removed from the volunteers both individually and collectively.
- ◆ The hypnotist will confirm with each volunteer before they leave the stage that they feel well .
- ◆ The hypnotist will stay for at least 30 minutes to ensure all volunteers are safe and to help will any issues.

Yours Sincerely

Derek Pinckney - Stage hypnotist Name, Derek Gordon



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# THE BRITISH ACADEMY OF HYPNOSIS

## *British Academy of Hypnosis Stage Code of Conduct.*

1. The member shall follow all codes of conduct at all times on or off stage.
2. The member will at all times uphold the good name of the organisation and never bring the organisation into disrepute.
3. The member will follow all the regulations laid down in the 1952 Hypnosis act and will always follow the local government acts and insurance requirements.
4. The member will always issue warnings at the start of each performance as stated in the training program and will always be alert to volunteers who do not heed these warnings.
5. Members will always treat hypnosis and the use of hypnosis with the greatest respect. They will never treat hypnosis as a toy or a tool to boost their ego. Members will be masters of their art at all times. Never rising to challenges.
6. As a member you must never use hypnosis for medical purposes or as an Anaesthetic and we recommend that it should not be used as a tool to deliberately produce amnesia.
7. Members will not use catalepsy to prove the body's strength and will not conduct any form of body piecing using needles or any other act that may cause harm to your volunteers.
8. Members will only hypnotise volunteers.
9. Hypnotising children is not recommended by the organisation.
10. The Hypnotist will never use sexual acts as part of their performance and will not use any advertising material, props or statements that may be considered to be offensive or harmful to the audience or volunteers
11. The member will not allow volunteers to reveal secrets whilst under hypnosis.
12. The use of post hypnotic suggestions are not recommended, however if they are used they should be used in the presence of the hypnotist and a check of the volunteer after the suggestion has taken effect is recommended.
13. All members will carry adequate insurance for members of the public being hypnotised.
14. The use of regression in any stage act is not recommended in any form.
15. I can confirm that I have no criminal record
16. I can confirm that under no circumstances will I reveal the secrets of the hypnotic world to anyone without the consent of The British Academy of Hypnosis. Should I reveal any of the information then I understand that I am liable for legal action by the Academy.
17. As a member of The British Academy Of Hypnosis I understand that I can use the organisations name at any time i.e. on the applications for hypnotic licences and may print the name on any stationary. However I understand that I must follow the organisations code of conduct and I understand that should I break any regulation then I will be asked to resign from Academy immediately.

In return for the above and the appropriate annual licence fee being paid you will be invited to use the facilities of the British Academy of Hypnosis. The organisation will always be available to help with licensing and ongoing training facilities. You will be notified of any changes in the licensing regulations and amendments to the code of conduct. All new amendments, regulations or changes to local government acts must be adhered to.

*If you fail to observe any of the above you may be asked to resign from the organisation with immediate effect and you will not be allowed to use the organisations name in future and the British Academy of Hypnosis reserves the right to pass on this information to the authorities local councils and insurance companies.*

*Please sign one copy and return it to the academy and keep one copy for your reference. Version 3.1 October 2003.*

I agree to the above terms and conditions.

Signed David Knight Date 2/11/06

Print Name David Knight

**David Knight and The British Academy of Hypnosis**

PO Box 163, Northallerton, North Yorkshire, DL7 8WS  
Tel / Fax: 0870 321 SLEEP (75337) www.321sleep.co.uk

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## Certificate of Professional Liability Insurance

**Name of Insured:** Mr D Pinkney t/a Derek Gordon  
**Certificate Number:** PIDM03AM01  
**Business:** See overleaf  
**Company:** Royal & Sun Alliance Insurance plc and Novae Insurance Company Ltd  
**Master Policy Number:** RKK746572  
**Period of Insurance:** From: 29th January 2009  
To: 28th January 2010  
**Limit of Indemnity:** £1,000,000 any one claim but  
£1,000,000 in the aggregate in any one Period of Insurance in respect of  
Pollution or Contamination

**In addition to any Therapy Related Endorsements (see overleaf) the following Endorsements are applicable:**

- 1 - Complaints Advice and Response Extension
- 2 - Disciplinary Proceedings Extension
- 3A - Run-off Liability (Individuals) Extension

Professional Liability Insurance includes cover normally provided by Public Liability, Professional Indemnity, Product Liability and Libel & Slander Insurances.

**THIS CERTIFICATE FORMS PART OF AND ATTACHES TO THE POLICY WORDING. BOTH DOCUMENTS MUST BE READ TOGETHER.**

**Legal Helpline:** This service is provided by First Assist Group Ltd and is available 24 hours per day, 365 days a year.

**Scheme Number:** 71766  
**Telephone:** 01455 251 500

Please quote the Scheme Number when calling the Helpline.

Royal & Sun Alliance plc (No. 93792). Registered in England and Wales at St Mark's Court, Chart Way, Horsham, West Sussex, RH12 1XL.

Novae Insurance Co Ltd. Registered in England No. 05673327. Registered Office: 71 Fenchurch Street, London, EC3M 4HH.

Royal & Sun Alliance plc and Novae Insurance Co Ltd are Authorised and Regulated by the Financial Services Authority.

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<b>Therapy/Activity</b>	<b>Endorsements applicable</b>
Hypnotherapy	None

Please refer to the policy wording for full Endorsement descriptions.

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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;