



Report of the Assistant Chief Executive (Corporate Governance)

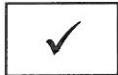
Report to the Licensing and Regulatory Panel

Date: 23 MARCH 2010

**Subject: PERFORMANCE OF HYPNOTISM
STEVE MARSHALL
EAST LEEDS LIONS MOTORCYCLE CLUB EVENT
BREARY GRANGE FARM ECCUP LEEDS 16**

Electoral Wards Affected:

Alwoodley.



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 East Leeds Lions Motorcycle Club Event to be held at Breary Grange Farm Eccup Leeds 16. The site holds a Premises Licence which is in operation on the Friday before Easter until the Monday after Easter each year. The dates for this year are Friday 2 April until Monday 5 April 2010. The proposed Hypnotist performance is on the 4 April.

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. Marshall, the Hypnotist has performed as a stage hypnotist for the past 15 years and performed at this event last year. Attached at **Appendix 1** is a copy of the application inclusive of his last 3 approved performances.

- 3.2 A copy of the show content is attached at **Appendix 2** for members information.
- 3.3 Mr. Marshall is a member of Equity.
- 3.4 A copy of the Public Liability insurance for Mr. Marshall is attached at **Appendix 3** for Members information.
- 3.5 Attached at **Appendix 4** 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 with appropriate conditions 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.



Application for Consent to Conduct and Exhibition, Demonstration or Performance of Hypnotism

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Section 1 - Applicant Details

First Name Steve

Family Name Marshall

Email address hypnoticexperienceshow@hotmail.com

Main telephone number 01223 473886 Please include country code

Other telephone number _____

Indicate here if you would prefer not to be contacted by telephone

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Are you:

Applying as a business or organisation, including as a sole trader

A sole trader is a business owned by one person without any special legal structure.

Applying as an individual

Your Business

Is your business registered in the UK with Companies House?

Yes No

Is your business registered outside the UK?

Yes No

Business name

Hypnotic Experience Show

If your business is registered, use its registered name

VAT number

Put "none" if you are not registered

Legal status

Your position in the business

Business Address

Building number or name

99

Address business correspondence must be sent to.

Street

Kendal Way

District

City or town

Cambridge

County or administrative area

Cambridgeshire

Postcode

CB4 1LP

Country

England

The country where the headquarters of your business is located.

Home country

Section 2 – The Hypnotist

Name

First name Steve Marshall

Family name _____

Stage name(s) As above

Former name(s) _____

Home Address 99 Kendal Way, Cambridge CB4 1LP

*Is the address the same as
(or similar to) the address
given in Section 1?

Yes

No

If "Yes" is selected you can re-use the details from section 1, or amend them as required. Select "No" to enter a completely new set of details.

Business Address

Building number
or name

99

Address business
correspondence must be sent
to.

Street

Kendal Way

District _____

City or town

Cambridge

County
or administrative area

Cambridgeshire

Postcode

CB4 1LP

*Date of birth

26/11/59

dd/mm/yyyy

Place of birth

Cambridge

Premises contact details

Are the contact details the
same as (or similar to) the
contact details given in
Section 1?

Yes

No

If "Yes" is selected you can re-use the details from section 1, or amend them as required. Select "No" to enter a completely new set of details.

Telephone number

01223 473886

Other telephone number _____

Section 3 – Membership of a professional organisation

Are you a member of a
recognised professional
organisation?

Yes

No

e.g. the Federation of Ethical Stage
Hypnotists or the European Guild of
Professional Stage Hypnotists

*Do you have public liability
insurance?

Yes

No

Section 4 – Proposed Venue for the Performance

Name of venue East Leeds Lions Motorcycle Club

Venue Address Blackhill Lane

Building number
or name

Eccup

Address business
correspondence must be sent
to.

Street _____

District

Leeds LS16 8AZ

City or town

County
or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

07912 063906

Other telephone number

Venue manager's name

Kelvin Harding

*Maximum number of
people to be admitted to
the venue for the
performance

Contact Kelvin for this information

**Planned
Performance(s)**

* Dates of planned
performances'

4th April 2010

* Times of planned
performances on those
dates

4-6pm approx.

Detailed description of the planned performances including suggestions to be put to those taking part

As in council routine list attached

Last Three Performances

Please complete the following details about each of the last three performances given by the hypnotist

Name of venue

Kingfisher Bar

Venue Address

Building number
or name

Address business
correspondence must be sent
to.

Street

Butt Lane

District

City or town

Great Yarmouth

County
or administrative area

Postcode

NR31 9PY

Country

Contact Details

E-mail

Telephone number

01493 782016

Other telephone number

Venue manager's name

Paul Southey

* Local Authority which
granted permission

Date of performance

13th June 2009

Detailed description of the planned performances including suggestions to be put to those taking part

As in council routine list attached

Last Three Performances

Please complete the following details about each of the last three performances given by the hypnotist

Name of venue Buffs Pub

Post Office Address

Building number 5

Address business correspondence must be sent to.

Street Robingoodfellows Lane

District March

City or town

County administrative area Cambridgeshire

Postcode PE15 8HL

Country

Contact Details Mr. G. Lord

Post Office Address

Telephone number 01354 654613

Other telephone number

Post Office manager's name Mr G. Lord

Local Authority which granted permission Fenland District Council

Date of performance 27th June 2009

Detailed description of the planned performances including suggestions to be put to those taking part

As in council routine list attached.

Last Three Performances

Please complete the following details about each of the last three performances given by the hypnotist

Name of venue

Thorney Bay Caravan Park

Venue Address

Building number
or name

Address business
correspondence must be sent
to.

Street

Thorney Bay Road

District

City or town

Carvey Island

County
or administrative area

Essex

Postcode

Country

Contact Details

E-mail

Telephone number

01268 515397

Other telephone number

Venue manager's name

Freda Davies

* Local Authority which
granted permission

Castle Point Borough Council

Date of performance

24th September 2009

Detailed description of the planned performances including suggestions to be put to those taking part

As in council routine list attached

Section 5 – Previous refusals and convictions

Have you ever been refused or had a consent for hypnotism withdrawn by any licensing authority?

Yes No

Have you ever been barred from the Federation of Ethical Stage Hypnotists or European Guild of Professional Stage Hypnotists or any similar body?

Yes No

Have you ever been convicted of an offence under the Hypnotism Act 1952?

Yes No

Have you ever been convicted of an offence involving the breach of a condition regulating the performance of hypnotism?

Yes No

Section 6 – Declaration

Full name

Steve Marshall

Date

15/11/2010

dd/mm/yyyy

Signature

Steve Marshall

Use of Personal Data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Council routine list for 2010

Introduction
Funniest joke
Playing a piano
Beach
Cold
Magic microphone
Driving a tractor
Glued to a chair

Musical conductors
Favourite thing
Lulu and Mick Jagger impersonations
RSF AND Elvis impersonations
YMCA sing-along
£50 notes on floor
X-ray glasses
Riverdance
Music man Song

These routines have been carefully selected as used together; they provide an evening of good, clean, fun entertainment.

CORRECT CERTIFICATE OF INSURANCE

COMPANY: Royal & SunAlliance Insurance PLC,
Emerald House, 15 Lansdowne Road, Croydon, CR0 2BX

CERTIFICATE NUMBER: RTT200823/12

INSURED: Mr David S Marshall T/as Steve Marshall's Hypnotic Experience
Show &/Or The Mind Persuader

OCCUPATION/BUSINESS: Stage Hypnotist Show including talk with audience, invite persons on
stage, induction, routines & bringing out of hypnosis.

PREMISES: 99 Kendal Way
Cambridge
Cambridgeshire
CB4 1LP

PREMIUM:

Net Premium	£785.71
Insurance Premium Tax	£ 39.29
Gross Premium	£825.00

COVER:		LIMIT OF INDEMNITY
SECTION 1	Public/Products Liability	
	A) Any one event	£ 1,000,000
	B) All events happening during any period of insurance in respect of products supplied	£ 1,000,000
	C) All incidents considered to have occurred during any period of insurance in respect of pollution or contamination of buildings or other structures or of water or land or of the atmosphere	£ 1,000,000

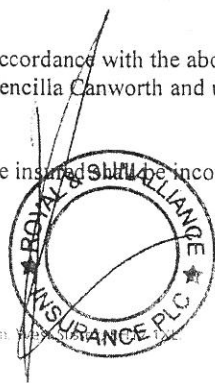
TERRITORIAL LIMITS: Great Britain, Northern Ireland, the Channel Islands, the Isle of Man
and where approved by insurers: temporary visits elsewhere in the
world excluding the USA and Canada

PERIOD OF INSURANCE: 04 January 2010 - 04 January 2011

RETROACTIVE DATE: 04 January 2010

This is to certify that Insurance is provided in accordance with the above details under the terms and
conditions of Policy Number RTT200823 by Hencilla Canworth and underwritten by Royal & SunAlliance
Insurance plc.

The proposal or any information supplied by the insured shall be incorporated in the contract.



Date Of Issue: 05 January 2010

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.