

REPORT: Regulatory Committee

DATE: 25 September 2013

REPORTING OFFICER: Chief Executive

PORTFOLIO: Resources

SUBJECT: Hypnotism Act 1952

WARDS: Borough-wide

1. PURPOSE OF REPORT

(1) To determine an application received for an authorisation under the Hypnotism Act 1952 and (2) Obtain officer delegation for all future applications.

2. RECOMMENDED: That

(1) the application be determined; and

(2) the Operational Director Legal and Democratic be authorised to determine applications for authorisations under the Hypnotism Act 1952 as amended.

3. INTRODUCTION AND BACKGROUND INFORMATION

3.1 An application for an authorisation for a performance of hypnotism has been received by the Council for a performance to take place on 31 December 2013 at the Mill Brow Social Club in Widnes.

3.2 Prior to the introduction of the Licensing Act 2003, by virtue of the Hypnotism Act 1952, a Public Entertainment Licence issued under the Local Government (Miscellaneous Provisions) Act 1982 was required for premises where performances of hypnotism were given.

3.3 One of the provisions of the Licensing Act 2003 was to abolish Public Entertainment Licences and replace them within the ambit of premises Licences (as regulated entertainment). However, the 2003 Act did not include hypnotism within the definition of regulated entertainment. Instead, hypnotism is controlled under provisions within the Hypnotism Act 1952.

3.4 Under the Hypnotism Act 1952 a performance of hypnotism requires an authorisation to be issued by the Council. The Council

has a set of conditions which may be attached to authorisations (as set out at Appendix 1).

3.5 There is no right of appeal against the refusal to grant an authorisation or the imposition of conditions but all decisions may be subject to judicial review.

4. PROCESSING APPLICATIONS

4.1 Dealing with applications under the Hypnotism Act 1952 is a Regulatory Committee function (Committee Terms of Reference 17B in the Constitution).

4.2 The Licensing Act 2003 further provides that applications under the Hypnotism Act 1952 are 'licensing functions' within the meaning of the 2003 Act.

4.4 This causes a technical difficulty. Existing delegations cover such applications for the pre-2003 Act regime. However, Officer delegations from the Regulatory Committee relating to licensing functions under the Licensing Act 2003 must be the subject of a resolution by the Regulatory Committee. Existing resolutions do not currently include the Hypnotism Act 1952. It is recommended in this report that the delegation be put in place.

4.4 Delegations will be added to the next version of the Constitution.

4 ISSUES ARISING

None

5. POLICY IMPLICATIONS

None

6 OTHER IMPLICATIONS

None

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton

None

7.2 Employment Learning and Skills in Halton

None

7.3 A healthy Halton

N/A

7.4 A Safer Halton

None

7.5 Halton's Urban Renewal

N/A

8 RISK ANALYSIS
N/A

9 EQUALITY AND DIVERSITY ISSUES

**10 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF
THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
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