

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 5th July, 2010 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor B Dykes (Vice-Chairman)

Councillors H Davenport, S Davies, L Gilbert, J Goddard, M Hardy, A Ranfield,
C Tomlinson and J Wray

Officers

Mrs K Khan, Licensing Solicitor
Mrs R Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors T Beard, D Bebbington and
M Parsons.

2 DECLARATIONS OF INTEREST

No declaration of interests were made.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

4 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 29 March 2010 be approved as a
correct record and signed by the Chairman.

5 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED:

That the minutes of the Licensing Sub Committee meetings held on
17 March 2010, 29 April 2010, 5 May 2010, 10 May 2010 and 17 June
2010 be received.

6 REGULATION OF HYPNOTISM - HYPNOTISM ACT 1952

The Committee considered a report detailing information on the proposed conditions to attach to authorisations granted under the provisions of the Hypnotism Act 1952.

The Council had the power to authorise performances of hypnotism within its area, however the Council had not yet adopted conditions which would apply to such authorisations. The power to licence performances of hypnotism was delegated within paragraph 25.2.7 of the Constitution to the Head of Safer and Stronger Communities. This function had subsequently been delegated by the Head of Safer and Stronger Communities to the Licensing Manager.

The proposed conditions, attached as Appendix A to the Report, followed the model scheme detailed in Home Office Circular 39/1996. The proposed conditions were intended to strike a balance between legitimate concerns for public safety and the ability for hypnotists to trade.

Section 4 of the Hypnotism Act 1952 gave a right of entry to police officers in connection with suspected contraventions of the Act. The proposed conditions included a requirement to admit authorised officers of the Licensing Authority to allow for inspection of a premises where hypnotism was being carried out under an authorisation granted by that Licensing Authority.

It was proposed that an application must be made no less than 28 days before the date of the performance. This period was required so that the Licensing Section had sufficient time to consult Cheshire Constabulary on the application. The period for determination of an application would be 28 days (commencing on receipt of a valid application) and if an application was not determined with this period, subject to ability to extend the period for a limited period if the applicant is notified of this prior to the expiry date, the application would be deemed granted.

The Licensing Solicitor confirmed that if the proposed conditions were approved by the Committee, each application for an authorisation would still need to be considered on its own merits.

The draft conditions would be subject to a consultation exercise running over a period of twelve weeks which would include consultation with Cheshire Constabulary, the Health & Safety Section of Cheshire East Borough Council, the Federation of Ethical Stage Hypnotists, Equity and a prospective applicant. In addition, the details of the consultation would be included on the Council's website.

RESOLVED: That

- (1) the Licensing Manager be authorised to carry out a consultation exercise, as set out in the Report, in relation to the draft conditions set out in Appendix A.
- (2) in the event either that no consultation responses are received or that the responses received do not suggest amendments to the conditions, the conditions as set out in Appendix A be approved.
- (2) the period of twenty-eight days from receipt of a complete application as the period within an application must be determined be approved and the position in relation to 'tact authorisation' be noted.

The meeting commenced at 2.00 pm and concluded at 2.25 pm

Councillor P Whiteley (Chairman)