



British Naturism

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By email to jdavidson@tendringdc.gov.uk
Chief Executive
Tendering District Council

11 May 2014

Dear Sir,

World Naked Bike Ride

We have been following developments in Tendering District since an interview with Cllr Halliday was reported in a local newspaper last year. With hindsight we should have made a complaint at that time. We have recently been contacted by a number of people and some of the WNBR organisers expressing concerns about the attitude adopted by the council. There can be no doubt that the actions of Tendering Council have had an adverse impact on the rights of naturists and we fear that you may be contemplating further damaging action.

Tendering District Council is badly out of step with the other areas where WNBRs take place. I know of only one other area where a serious attempt has been made to prevent a ride from taking place. The police commander in question backed down when the legal and public relations realities were pointed out to the constabulary. I am aware of some apprehension from various councils and police forces prior to the first WNBR in their area but experience has shown that nervousness to be groundless. Indeed, for the enormous ride in London the police have felt it unnecessary to even be there on a number of occasions.

Generally there are few complaints. One year I had reason to enquire how many complaints had been received by the Metropolitan Police and the answer was two. There are a number of possibilities for the allegedly somewhat larger number of complaints in Tendering. The principle ones are campaigns of complaints and complaints in response to fear-mongering. However the right to protest is not dependent on a popularity contest driven by who can, by whatever means, encourage the most complaints.

We have never encountered any credible evidence that nudity harms children but we have encountered children alarmed by the prejudiced reaction to nudity of some adults. There is strong evidence that prudery results in widespread and

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often serious harm to children and young people. Expert witnesses are available but that should not be necessary. It is blindingly obvious to anyone who actually knows how children react and who looks at the international comparisons of outcomes.

It would appear that former Cllr Halliday and others have been creating fear and apprehension where none is justified. Essentially they are going about fixing a largely imagined problem in a way that brings about the problem. If people have unjustified concerns then the correct response is reassurance, not exacerbating the fears.

There are to our knowledge no naturist organisations involved in organising WNBR although who organises the demonstration is irrelevant to the principles. The WNBR is a protest (the relative absence of placards does not change that), not a naturist event, so British Naturism has kept its distance to avoid muscling in on somebody else's demonstration. However any attempt to prevent the protest due to misapprehensions and misrepresentations (that is putting it politely) regarding nudity is a threat to Naturism and in those circumstance we do provide support.

There are several aspects of the Human Rights Act engaged. The most important for the WNBR is probably Freedom of Expression. There is case law to establish that:

- nudity is a legitimate means of expression;
- the person expressing themselves has the right to choose the means of expression; and
- Freedom of Expression is a high status right and the onus is on those attempting to restrict Freedom of Expression to demonstrate that the restriction is necessary. NB the important word is "necessary", "don't like" or misapprehensions is far from adequate.

The Equality Act is also engaged and former Cllr Halliday's comments to the media a year ago were arguably a breach of the Public Sector Equality Duty and other provisions.

There is a general principle of public law that public bodies must act fairly.

I trust that you will reconsider and amend your approach to this event. I look forward to your reply.

Yours sincerely



Malcolm Boura
Campaigns Director
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cc Clacton WNBR