

Managing Coastal Activities (Naturism)

A Guide for Local Authorities

A British Naturism Advice Note – Revised April 2008

Table of Contents

Managing Coastal Activities (Naturism).....	1
Background.....	1
Complaints.....	2
Attempts to ban naturism.....	2
Strategy for dealing with unacceptable behaviour.....	3
Publicity.....	4
Encouraging more family use.....	4
Leaflets.....	4
Beach user groups.....	4
Signs and notices.....	5
Police Briefings.....	5
Related documents and further information.....	6
Appendix A – Suggestions for Signs and Notices.....	7

Background

There are many misconceptions concerning what naturism is, who naturists are, public attitudes to naturism and the legal position.

- Naturism is participation in normal everyday activities without the encumbrance of clothing. Normally acceptable standards of behaviour are just as applicable, the only difference being the dress code.¹
- There are about 1.3 million people in the UK who describe themselves as being a naturist and at least ten times that number who are a naturist to at least some extent.² Some of the official naturist beaches have thousands of users on a good day.³ Naturists come from all walks of life.
- Most people are at least tolerant of naturism⁴ but there are a few⁵ who feel very strongly that social nudity is immoral or harmful. There is no objective evidence to support their opinion.
- Nudity with intent to cause alarm or distress, and public sexual activity are illegal but there is no prohibition of nudity as such. Thus, while there can be situations in which nudity is a factor in a public order offence, simple nude sunbathing and swimming do not - of themselves - produce such a situation.⁶ The law in Scotland is different.

The Department for Rural Affairs, Defra, publishes "*Managing Coastal Activities, A Guide for Local Authorities*"⁷ and much of their advice is directly applicable to naturist use of beaches. Since initial publication it has been amended to include British Naturism in the list of national bodies that

1 For example some sport national governing bodies have given British Naturism waivers from rules regarding dress.

2 NOP Poll. See Statistics Briefing Note.

3 For example in 2001 the figure provided by the National Trust for Studland was 2,500.

4 "sensible" 40%, "harmless" 80%, NOP poll.

5 "disgusting" 7%, "criminal" 2%, "call the police" 1%. NOP poll.

6 Parliament has taken considerable care to protect naturists from "over-zealous police officers and magistrates." and "busy body ... councillors".

7 *Managing Coastal Activities, A Guide for Local Authorities*. Defra 2005 available on paper or as a pdf file from the Defra web site. The amendment is an insert into the paper edition and a supplementary document on the web site.

should be consulted. This document was written to complement the advice in that document and the two should be read in conjunction.

Beaches used by naturists are often remote which can cause difficulties:

- The mobility impaired find access difficult or impossible.
- Families find access difficult or impossible.
- Facilities are poor.
- Safety provisions are inadequate or the beach may be inherently dangerous.
- The remoteness makes them attractive to criminal elements. For example those seeking to engage in sexual activity.⁸ This can lead to guilt by association.

All of the above are effectively discrimination.

Complaints

We have noticed that a high proportion of complaints about naturism are on behalf of somebody else. The complainant thinks that somebody else will be offended or harmed or that somebody else will think that naturism must be harmful to somebody. They assume that everyone else shares their opinion and is incapable of speaking for themselves. Especially galling is the person who professes to be tolerant of naturism themselves but acts on the assumption that everyone else is not.

Children and families are frequently given as reasons. There is no evidence of harm to children and the attitudes of parents are indistinguishable from those of the population as a whole.⁹

Homophobia is a contributory factor to at least some complaints.

We frequently receive complaints concerning:

- The lack of accessible naturist beaches for the mobility impaired and families.
- The lack of safe alternatives to the more dangerous naturist beaches.
- The perceived risk of making complaints to the police or council. The police may treat the complainant as the criminal and the council reaction may be to increase harassment of naturists.

Attempts to ban naturism

Attempts to ban naturism are quite rare, typically one or two incidents per year. Those attempting a ban almost invariably make unjustified assumptions, fail to consult and take precipitate action which is counter productive. In particular they often assume that nudity must be illegal and that consequently they do not need to obtain legal advice before making statements to the press or erecting notices. This is a specialist area of the law so even when advice is taken it may be wrong. For example in 2007 one council sought to justify its action by citing legislation that has been repealed.

Parliament has considered naturism at some length in recent years and made it very clear that naturism must be able to continue and not just at the officially designated beaches. To that end some statutes have been repealed and new legislation has been carefully worded.¹⁰

The legality of nudity depends on the motivation and accompanying actions. However there is no case law that we are aware of so the following is based on what has actually happened in practice over the last few years:

⁸ There is further consideration of criminality later in this document.

⁹ For further information on children and the attitudes of parents see the Statistics and Children Briefing Notes.

¹⁰ See Parliamentary Attitudes Briefing Note.

- On a beach adjacent to a sensitive location such as a school or town centre it is possible that such behaviour could lead to public order problems. Even so conviction is not certain unless there is some factor in addition to natural nudity. However this would be open to challenge or misunderstanding so we discourage such behaviour.¹¹
- On a beach at the bottom of gardens or near a footpath or road – it is unlikely that a public order prosecution would succeed against a resolute defence.
- In more remote locations there is no prospect of a public order prosecution succeeding.

We know from experience that harassment of beach users will mainly serve to reduce the number of law abiding users and especially families. This reduces the peer group pressure to behave correctly so if there are any real problems then they remain and may even get worse. Furthermore problem behaviour will be displaced to other beaches in the area.

If we acquiesce in the attempted closure of part or all of a beach to naturists then we lose all credibility with the beach users and there is little that we can do to influence behaviour. Consequently we are unable to assist any council that erects misleading or erroneous notices or makes misleading or erroneous statements.

There is a growing determination amongst naturists that they should stand up for themselves and we will not meekly give in when discriminated against or a public body exceeds its powers.

Strategy for dealing with unacceptable behaviour

There is no evidence that naturism causes an increase in criminal behaviour at a beach but criminal behaviour is sometimes given as a reason for banning naturism. It is of course impossible at any beach to prevent all criminal activity but with sensitive management it can be reduced to minimal levels.

- The remoteness of many naturist beaches makes law enforcement difficult.
- Naturists are wary about reporting criminal activity because police and councils often fail to distinguish between (legal) naturism and (illegal) public sexual acts and therefore regard the naturist complainant as themselves criminal. The real criminals are quick to take advantage.

Education, persuasion and peer group pressure are effective at reducing inappropriate or criminal behaviour. Any residual problem can be dealt with effectively provided that the beach users feel able to cooperate with the police and other agencies to identify culprits and act as witnesses. They will not do that if they believe that complaints and information about incidents may result in attempts to close the beach and/or attempts to blame responsible and law-abiding naturists for the illegal activity.¹²

Education is important and available methods, in no particular order, include:

- Publicity and education through the naturist, local and gay press.
- Leaflets for handing out at the beach.
- A beach user group to provide a presence at the beach and liaise with other stakeholders.
- Signs and notices at appropriate places.

¹¹ The legality depends on a large number of circumstances. It is trivial to construct scenarios that clearly are legal and likewise ones that clearly are not. It is too complex to consider further in this document.

When Steve Gough first walked from Lands End to the Scottish border, including through villages and towns, he was arrested many times, charged on most occasions and subsequently convicted for some. We understand that all of the convictions were overturned on appeal. The following year he was arrested twice and released immediately. The law in Scotland is different.

¹² At Morffa Dyfryn a section of the beach was designated for use by naturists and signs provided. Complaints fell from over twenty the previous year to just one.

- A consistent approach by all the agencies concerned.
- Specific briefings to the local police in how to handle complaints & incidents
- Encourage increased use by families and couples.

Signs can reduce or even eliminate friction but without the cooperation of the council and land owners there is little that we can do. Any problems are likely to persist and spread to neighbouring beaches.

Publicity

There should be press releases to both the local media and the naturist press to announce the adoption of a comprehensive scheme and to make clear where the boundary between acceptable and unacceptable behaviour lies.

Publicity via dogging websites has to be approached with some caution and requires prior discussion with the police.

Encouraging more family use

Despite our best efforts, many naturists share the misapprehension that social nudity is illegal in all public places. This and the fear of harassment from police and others is a serious deterrent to families and anyone requiring a CRB/ISA check for their career.¹³ If a beach is publicised appropriately and the beach environment is improved then use by families and others will increase.

We get frequent complaints from both families and the mobility impaired about the long walk or dangerous access to many naturist beaches. This is effectively discrimination. The often poor beach safety is also a serious concern.

Leaflets

British Naturism publishes "*The Naturist Beach Code*" and modifies it for particular beaches and areas. For example at the request of Devon & Cornwall Constabulary we provided a version customised with the non-emergency police telephone number for their area.

Beach user groups

Beach user groups can make a positive contribution in many ways. For example:

- Providing a presence on the beach
- Improving communication between the stakeholders.
- Giving early warning of developing problems.
- Improving the beach environment, for example clearing litter.
- Improving safety.
- Reining in over-boisterous sports (including jetskis and windsurfing)
- and many others.

At Studland there is an action group and it has received an award from central government in recognition of its achievements.

¹³ The threshold for having a record was until recently conviction. Now simply giving name and address to a police officer can result in an entry on an individual's record that could seriously harm their career. There is no adequate means of appeal.

Signs and notices

Some suggestions for signs and notices are appended to this document. It is probable that some of the material will duplicate existing signs so it may be better to supplement or modify those. This requires discussion and site surveys.

To be effective the signs and notices need the maximum possible status so it is desirable that they are endorsed with the names and logos of organisations relevant to the board's content and location. These include:

- The owner or controller of the land where it is sited and/or to which it applies
- The local constabulary on boards that indicate expected standards of behaviour
- British Naturism on boards with content relating to naturism

The wording on the notices and signs requires some subtlety in order to maximise the acceptability and hence the support that they receive. If there is a traditionally naturist area then maps should have "*traditionally naturist beach*" written across the appropriate area so as to not be too prescriptive. That will reduce the offence caused to those who look upon designated beaches as ghettos. If necessary signs nearer to the beach can serve to indicate the area more precisely. A sign showing that the naturist area is somewhere ahead also serves to indicate a limit.

Signboards can be helpful in many different ways. People are much less likely to be offended if they are forewarned. Few walkers are offended by naturists, about one in fifteen¹⁴, but they may prefer to use an alternative route if one is available. The maps and signs should indicate both the traditional dress code and the area traditionally used by naturists.

Suggestions:

- Sign boards with maps, local attractions and distances are desirable in the surrounding area. If people don't know the preferred location for naturism then they can not be expected to use it.
- Direction signs indicating the way to areas traditionally used by naturists and where possible alternative routes that avoid the area.
- Boards with The Naturist Beach Code at the approaches to the naturist area.

At least some of the above should have maps and local information.

Things to avoid:

- Implying that naturism is something that requires a warning. It is offensive so just provide information. "Traditional naturist beach" is much better than "WARNING Naturists".
- Creating ghettos, especially ghettos with poorer access, poorer facilities, poorer safety and poorer beach quality than other beaches in the area.

Police Briefings

There is much anecdotal evidence to suggest that misunderstandings and incidents can be escalated by police officers who do not understand the law as it relates to nudity, and who automatically assume that it constitutes an offence. Much police time and public upset could be saved if the police were properly briefed¹⁵ in how to handle such events. This would also provide consistency both within forces and between them.

14 NOP Poll. See Statistics Briefing Note.

15 It is very gratifying when we receive an apology from a constabulary but it would be better to avoid the need.

Related documents and further information

The following related documents are available from both the website and the office.

Naturist Beach Code (there may be a local edition),

Briefing notes: Statistics, Prejudice, Naturist Beach Code (explanatory notes), Public Attitudes, Parliamentary Attitudes, Children.

Further information is available from British Naturism.

Website: www.british-naturism.org.uk

Email: Headoffice@british-naturism.org.uk

Post: 30-32 Wycliffe Rd, Northampton NN1 5JF

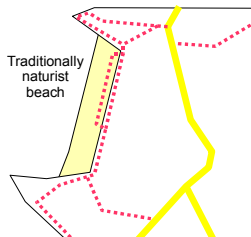
Tel: 01604 620361

Fax: 01604 230176

Appendix A – Suggestions for Signs and Notices

Traditionally Nourist Beach Only the dress code is different

- Naturists don't need this Nourist Beach Code but not everyone knows how to be a naturist.
- Only the dress code is different
- Avoid being a nuisance
- Respect people's space
- Do not be an exhibitionist
- Avoid confronting or approaching anyone who may be offended
- Sexual activity is just as unwelcome and just as criminal as in any other public place
- Naturists are a trusting and trustworthy bunch but the criminals know that, so safeguard your valuables
- Always report crime
- In England and Wales, naturism in appropriate places is legal but breaches of the code can be offences and penalties in recent years have included fines, ASBOs, imprisonment and lifetime bans from all naturist beaches. Nourist use of the beach will also be put at risk.



Local hazards and safety.

Coastal code

Please help to ensure that this beach remains naturist by reporting all incidents.

999 - Crime in progress or person in danger
Coastguard, police, ambulance, fire brigade

01234 567890 - Non-urgent calls to the police

01234 567890 - Lifeguard (See notices for times of operation)

Any problems? Please tell us! If we don't know about it then we can't do anything about it. Thank you.

British Naturism +LOGO
www.british-naturism.org.uk

Somewhere District Council
+LOGO

Police

Someplace Sands

Textiles are welcome to use this traditionally naturist beach but following the undress code is appreciated

Respect other peoples private space.
Do not approach textiles.

Safety advice, local features, concerns etc

Don't tolerate anti-social behaviour. Report it!

Keep this beach for naturists – report anti-social or illegal activity.



Naturism is non-sexual nudity.
Any sort of sexual activity is just as offensive and just as illegal here as anywhere else.
Call 999.
Sexual advances are no more acceptable here than on a textile beach and may be criminal. If offended call the patrol/police.

Who to contact:

- Nuisance – 01234 56789 police beach patrol
- Crime in progress – 999 police
- Cliff or sea danger – 999 coastguard and quote XXXX
- Beach facilities – Somewhere Council

British Naturism

Someshire Council