

Cabinet

10 March 2026

Articles on the Highway Policy

Portfolio Holder: Councillor Alex Paterson, Portfolio Holder for Community Safety, Highways and Enforcement

Report from: Ruth Du Lieu, Deputy Director (Place)

Author: Karen Tamsett, Head of Highways

Summary

This report seeks Cabinet approval to commence public consultation on a new Articles on the Highway Policy. The proposed policy would replace the previously agreed, but not implemented, 2016 policy. It also removes references to tables and chairs, which are now governed under the separate Pavement Licensing Policy.

The revised draft policy establishes a clearer and more consistent framework for the management of A-boards, shopfront displays, and other articles placed on the highway.

1. Recommendations

1.1. The Cabinet is asked to note that:

1.1.1. the 2016 policy was agreed but not implemented and will be superseded by this Policy; and

1.1.2. tables and chairs are now regulated exclusively under the Pavement Licensing Policy.

1.2. The Cabinet is asked to approve the draft updated Articles on the Highway Policy attached as Appendix 1 to the report, which includes the proposed fee and enforcement structure.

1.3. The Cabinet is asked to agree to commence public consultation in relation to the proposed updated Articles on the Highway Policy.

2. Suggested reasons for decisions

- 2.1. To allow the Council to undertake a public consultation on the draft Articles on the Highway Policy, ensuring transparency, stakeholder engagement and legal robustness before the policy is presented for Cabinet approval.
- 2.2. To modernise and clarify the Council's approach to managing A-boards, shop displays and other articles on the highway, replacing the previously agreed but unimplemented 2016 policy.
- 2.3. To ensure the updated policy aligns with current legislation and Council responsibilities, while complementing the separate Pavement Licensing regime for tables and chairs.
- 2.4. To support Cabinet oversight of corporate risk by ensuring a formal consultation mitigates challenge, improves accessibility considerations, and strengthens the final policy proposal before Cabinet adoption.

3. Budget and policy framework

- 3.1. The decision to proceed with public consultation on the new Articles on the Highway Policy is within the Council's existing policy and budget framework, as consultation activities will be delivered using current resources and do not require additional funding.
- 3.2. Implementation of the final policy will require ongoing operational support from Regulatory Services (e.g., enforcement activity), and this will be formalised through a Service Level Agreement (SLA) to ensure clarity on roles, responsibilities, and cost recovery. This is consistent with the original 2016 policy approach, where enforcement and cost-neutrality were integral to delivery.
- 3.3. The policy itself is not part of the Council's Policy Framework and may therefore be determined by Cabinet following consultation.

4. Background

- 4.1. In 2016, Cabinet approved a comprehensive policy covering shopfront displays, A-boards and tables and chairs, supported by public consultation and a planned 12-month pilot in Chatham. The intent was to provide parity and improve street scene safety. However, the policy was not implemented borough-wide and conditions have changed significantly since then, particularly due to changes in national pavement licensing legislation.
- 4.2. Since 2020, the Pavement Licensing regime has established a separate statutory route for licensing tables and chairs outside premises selling food and drink. To avoid duplication and ensure clearer governance, the revised Articles on the Highway Policy removes all references to tables and chairs, focusing solely on:

- A-boards
- Retail and trade displays
- Minor articles such as planters, cages, decorative items
- Temporary obstructions outside residential properties (e.g. building materials)

4.3. The new policy provides an updated, legally robust approach to managing items on the highway and aligns with accessibility, safety and equalities duties.

5. Options

5.1. Option 1: Approve the updated Articles on the Highway Policy (Recommended). This option delivers a clear, modern, enforceable and legally aligned policy; avoids conflict with the Pavement Licensing Policy; and replaces the partially implemented 2016 policy. It provides transparency and consistency for traders and residents.

5.2. Option 2: Retain the 2016 policy (Not recommended). That policy is outdated, partially implemented, includes tables and chairs (now dealt with via Pavement Licensing), and does not reflect current practice or legal expectations.

5.3. Option 3: Do nothing. Would continue inconsistency across Medway and limit the Council's ability to enforce against unsafe or obstructive articles on the highway. This would not meet public expectations nor statutory duties.

6. Advice and analysis

6.1. This report forms part of a wider programme of work to modernise Medway's highway-related policies. The updated Articles on the Highway Policy will sit alongside a suite of related policies currently under development, covering key areas such as the movement and safety of pedestrians, vehicle parking on the highway, overhanging vegetation and boundary features, and the storage of materials or other items on verges. Work to address overgrown vegetation, materials stored on verges, and household items placed out for collection by third parties will be developed in the new financial year. In addition, a wider parking review, including verge and footway parking, will be undertaken and is expected to follow in late 2026/27 or 2027/28. Together, these policies will provide a clearer, more consistent and accessible framework for residents, businesses and enforcement teams, supporting safer and more attractive streets across Medway.

6.2. The updated Articles on the Highway Policy provides a clearer, more enforceable and legally robust framework for managing A-boards, shop displays and other minor obstructions on the public highway. It replaces the previously agreed but unimplemented 2016 "Placing Objects on the Highway Policy," reflecting the shift of tables and chairs to the Pavement Licensing

regime and ensuring that Medway’s approach is consistent with current legislation and operational practice.

- 6.3. The proposed public consultation is necessary to ensure the Council acts transparently and proportionately, and to strengthen the legal defensibility of the final policy prior to Cabinet adoption. Consultation will also mitigate risk and improve stakeholder understanding, as highlighted by the Cabinet report.
- 6.4. The policy supports sustainable transport by protecting clear, unobstructed pedestrian routes, particularly in town centres where safe walking environments are essential. By improving the management of street clutter, the policy contributes to more accessible and attractive high streets, reinforcing their long-term economic and social sustainability.
- 6.5. A Diversity Impact Assessment (DIA) will be completed to inform the consultation and final policy. The draft policy already includes strong accessibility safeguards, including minimum clear footway widths, visibility requirements and conditions designed to protect people with visual impairments, mobility impairments and wheelchair users. These measures align with the Council’s equality duties and reflect the findings of previous engagement, which showed strong public support for improved safety and access on high streets. The DIA summary will be included in the final report to enable Members to make an informed decision.
- 6.6. Successful delivery will require close coordination between Highways, Town Centre Management and Regulatory Services. An SLA with Regulatory Services will ensure clarity around enforcement responsibilities, response times and cost-recovery arrangements, supporting a consistent and sustainable approach to implementation.

7. Risk management

- 7.1. The proposed consultation and implementation of the Articles on the Highway Policy carry several operational and strategic risks. These have been identified and assessed below to ensure the Council can proactively manage them. The risks reflect issues raised previously in the 2016 policy development, as well as risks highlighted in the Cabinet report for 10 March 2026.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Stakeholder resistance (particularly traders)	Some traders may object to new requirements or enforcement, particularly where A-boards or displays are currently unregulated. This	Clear communication during consultation, targeted engagement with business groups, and providing practical guidance on compliance	CII

Risk	Description	Action to avoid or mitigate risk	Risk rating
	risk was also identified in the 2016 policy work.		
Confusion between the Articles Policy and Pavement Licensing	Businesses may not understand the difference between what falls under this policy versus the Pavement Licensing regime (tables and chairs)	Publish clear guidance, update website content and ensure frontline staff provide consistent messaging	DIII
Insufficient enforcement capacity	Effective implementation requires coordinated enforcement. Without clear responsibilities, enforcement may be inconsistent	Establish formal SLA with Regulatory Services to clarify roles, resourcing and cost recovery	CII
Legal challenge due to inadequate consultation	Failure to consult widely or transparently could undermine the policy and expose the Council to challenge	Proceed with full public consultation as proposed, following Cabinet approval and ensure DIA finding inform the final draft	CII
Reputational risk	Poorly managed street clutter is a long-standing concern for residents, disability groups and town centre users. If the policy is not implemented well, confidence may be weakened	Implement a consistent enforcement approach, communicate outcomes and monitor feedback throughout the consultation and pilot phases	CIII

For risk rating, please refer to the following table

Likelihood	Impact:
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

8. Consultation

- 8.1. Preliminary internal engagement has been undertaken with key service areas including Highways, Town Centre Management and Regulatory Services to ensure operational alignment and to inform the development of the new Articles on the Highway Policy. This has included discussion on enforcement requirements and the need for a future SLA with Regulatory Services.
- 8.2. The 2016 policy development included extensive public consultation, with strong support for clearer regulation of A-boards and displays, and feedback from disability groups, traders and residents highlighted recurring issues relating to highway obstructions. Although the new policy reflects updated legislation and removes tables and chairs (now covered by Pavement Licensing), the underlying themes from that earlier consultation remain relevant.
- 8.3. A new public consultation is required to ensure transparency, gather up-to-date views and strengthen the legal defensibility of the final policy. The accompanying Cabinet report for 10 March 2026 seeks approval for this consultation and sets out the proposed approach and timescales.
- 8.4. Cabinet is therefore asked to note the internal engagement to date and agree that the draft policy should proceed to formal public consultation.

9. Climate change implications

- 9.1. The proposals set out in this report are not expected to have any direct negative impact on climate change. The draft Articles on the Highway Policy may support the Council's climate objectives by helping to maintain clear, safe and accessible pedestrian routes, thereby encouraging walking and reducing reliance on short car journeys. This aligns with the Council's declaration of a climate emergency and its commitment to becoming carbon neutral by 2050.
- 9.2. The operational activity required to implement and enforce the policy; primarily inspection and monitoring, will be carried out within existing service arrangements and is not anticipated to materially increase the Council's carbon footprint. Opportunities to further support active travel and reduce

environmental impact will be considered through the public consultation and in the refinement of the final policy.

10. Financial implications

- 10.1. The recommendation to proceed with public consultation on the draft Articles on the Highway Policy has no significant financial implications, as consultation activities will be delivered within existing service budgets and resources.
- 10.2. In the longer term, implementation of the final policy will require coordinated enforcement and monitoring activity. As with previous approaches to managing items on the highway, cost-neutrality will be sought through the introduction of licensing and chargeable compliance visits, consistent with the model used in the 2016 policy.
- 10.3. To support this, an SLA with Regulatory Services will be established to confirm responsibilities, expected service levels, and mechanisms for cost recovery associated with enforcement activity. This will ensure that delivery of the policy remains sustainable and does not create additional unfunded pressure on Highways or Regulatory Services.
- 10.4. The recommendations in this report can therefore be met from existing revenue budgets, and no additional approvals are required at this stage.

11. Legal implications

- 11.1. The Council, as Local Highway Authority, has a statutory duty under section 130 of the Highways Act 1980 to protect the public's right to use the highway and to prevent unlawful obstruction. The Act also provides specific powers under sections 115A–115K to license certain items placed on the highway, such as A-boards and shop displays, which would otherwise constitute obstructions.
- 11.2. The proposed Articles on the Highway Policy clarifies how these powers will be exercised and ensures that items placed on the highway are managed in a safe, consistent and proportionate way. The policy operates alongside, and does not duplicate, the separate statutory Pavement Licensing regime for tables and chairs.
- 11.3. Undertaking a public consultation on the draft policy supports the Council's obligation to act transparently, reasonably and fairly, and strengthens the legal defensibility of any subsequent Cabinet decision to adopt the final policy. A Diversity Impact Assessment will form part of this process to demonstrate due regard to equality duties.

Lead officer contact

Karen Tamsett
Head of Highways
Pender House
(01634) 331525
Karen.tamsett@medway.gov.uk

Appendices

Appendix 1 Draft Articles on the Highway Policy

Background papers

[Medway Council Pavement Licensing Policy](#)

[Placing Objects on Highways – Cabinet Report, 27 October 2015 \(Medway Council\) setting out proposals for an all-inclusive policy](#)

[Placing Objects on the Highway – Cabinet Report, 8 March 2016 \(Medway Council\) basis for understanding the previously approved but unimplemented policy and earlier consultation outcomes.](#)

[Placing Objects on the Highway Policy Review – Cabinet Report, 7 August 2018 \(Medway Council\)](#)