

Cabinet

22 September 2026

Articles on the Highway Policy

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

Report from: Adam Bryan, Director of Place

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Summary

This report presents the outcome of the public consultation on the draft Articles on the Highway Policy and seeks Cabinet approval to adopt and implement the final policy. The policy replaces the previously agreed but unimplemented 2016 policy and provides a modern, legally robust framework for managing A-boards, shopfront displays, minor articles and temporary obstructions on the public highway.

1. Recommendations

- 1.1 The Cabinet is asked to approve the final Articles on the Highway Policy, set out at Appendix 3 to the report, for implementation and to note that future fee levels will be updated annually through the Council's Fees and Charges process.
- 1.2 The Cabinet is asked to agree that the 2016 Placing Objects on the Highway Policy is formally superseded.
- 1.3 The Cabinet is asked to delegate authority to the Head of Highways, in consultation with the Portfolio Holder or Community Safety, Highways and Enforcement, to finalise the Service Level Agreement (SLA) with Regulatory Services.
- 1.4 The Cabinet is asked to agree that the policy be published and communicated to traders, residents and stakeholders, with implementation commencing from 1 April 2027.

2. Suggested reasons for decisions

- 2.1 To implement a modern, enforceable and legally aligned policy that protects pedestrian safety and accessibility.

- 2.2 To ensure compliance with statutory duties under section 130 of the Highways Act 1980 to prevent unlawful obstruction of the highway.
- 2.3 To provide clarity for traders and residents and support consistent enforcement across Medway.
- 2.4 To mitigate corporate risk by ensuring the policy is legally defensible following full public consultation.

3. Budget and policy framework

- 3.1 The decision is within the Council's existing policy and budget framework. Implementation will be delivered within existing service budgets, supported by cost-neutral licensing and compliance visits, consistent with the approach set out in the March Cabinet report.
- 3.2 No additional funding is required.

4. Background

- 4.1 In March 2026, Cabinet approved public consultation on a revised Articles on the Highway Policy. The draft policy removed references to tables and chairs (now governed under Pavement Licensing) and focused on A-boards, shop displays, minor articles and temporary obstructions.
- 4.2 The consultation ran for eight weeks between April and June 2026 and included an online public survey, direct engagement with traders, disability groups and town centre partnerships alongside internal engagement with Highways, Town Centre Management and Regulatory Services.
- 4.3 Feedback showed strong support for clearer regulation of street clutter, improved accessibility, and consistent enforcement.
- 4.4 The final policy incorporates consultation feedback, updated accessibility guidance, and operational arrangements for enforcement.

5. Options

- 5.1 Option 1 – Adopt the final Articles on the Highway Policy (Recommended)
Provides a clear, enforceable and legally robust framework; aligns with statutory duties; supports accessibility; and replaces the outdated 2016 policy.
- 5.2 Option 2 – Retain the 2016 policy (Not recommended)
The 2016 policy is outdated, partially implemented, and includes tables and chairs now governed under Pavement Licensing.
- 5.3 Option 3 – Do nothing (Not recommended)
Would continue inconsistency across Medway, weaken enforcement capability, and fail to meet statutory obligations.

6. Advice and analysis

- 6.1 The consultation confirmed strong public and stakeholder support for implementing the new policy. Key themes included:
- 6.1.1 Need for consistent enforcement.
 - 6.1.2 Importance of clear pedestrian routes.
 - 6.1.3 Support for minimum footway widths and accessibility safeguards.
 - 6.1.4 Desire for clearer guidance for traders.
- 6.2 A Diversity Impact Assessment (DIA) has been completed and demonstrates positive impacts for people with visual impairments, mobility impairments and wheelchair users, reflecting the accessibility safeguards already embedded in the draft policy.
- 6.3 Implementation will require coordinated working between Highways, Town Centre Management and Regulatory Services, supported by a formal SLA.

7. Risk management

- 7.1 Effective implementation of the policy requires a clear understanding of the risks associated with its delivery, and this section sets out the key areas that must be managed to ensure successful outcomes.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Stakeholder resistance	Some traders may object to new requirements or enforcement	Clear communication, guidance, phased implementation	C2
Confusion with Pavement Licensing Policy	Businesses may misunderstand the distinction	Updated website content, guidance documents, staff training	D3
Insufficient enforcement capacity	Risk of inconsistent enforcement	SLA with Regulatory Services confirming roles and cost recovery	C2
Legal challenge	Risk if consultation or implementation is inadequate	Full consultation complete; DIA undertaken, legal review of final policy	C2
Reputational risk	Poorly managed street clutter affects public confidence	Consistent enforcement and clear communication	C3

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	1 Critical 2 Major 3 Moderate 4 Minor

8. Consultation

- 8.1 The consultation received strong engagement, with broad support for clearer regulation of A-boards and displays.
- 8.2 Disability groups highlighted recurring issues with obstructions, reinforcing the need for minimum footway widths and visibility requirements.
- 8.3 Traders requested clearer guidance, which has been incorporated into the final policy.
- 8.4 Internal engagement with Highways, Town Centre Management and Regulatory Services has shaped the operational model and enforcement arrangements.

9. Climate change implications

- 9.1 The policy supports the Council's climate objectives by protecting clear pedestrian routes, encouraging walking and reducing reliance on short car journeys. This aligns with the Council's climate emergency declaration and carbon-neutral commitment.

10. Local Government Reorganisation (LGR) implications

- 10.1 Following the announcement of the pause on the 7 September 2026 officers will monitor the on-going situation and will consider any relevant impacts as they arise.

11. Financial implications

- 11.1 Implementation will be delivered within existing budgets. Cost-neutrality will be achieved through licensing and chargeable compliance visits, consistent with the model used in the 2016 policy and reaffirmed in the March Cabinet report.
- 11.2 A formal SLA with Regulatory Services will ensure sustainable enforcement arrangements.

12. Legal implications

- 12.1 The Council has a statutory duty under section 130 of the Highways Act 1980 to protect the public's right to use the highway and prevent unlawful obstruction.
- 12.2 The policy clarifies how powers under sections 115A–115K will be exercised and complements the separate Pavement Licensing regime. Legal Services have reviewed the final policy and confirmed it is compliant with statutory powers and constitutional requirements.

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Appendices

Appendix 1 – Consultation Outcomes and evaluation

Appendix 2 – Disability Impact Assessment

Appendix 3 – Draft Articles on the Highway Policy

Background papers

[Articles on the Highway – Cabinet 10 March 2026](#)

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

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