

## Cabinet

<b>Report Title</b>	Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway
<b>Date of Meeting</b>	Wednesday, 30 July 2025
<b>Report Author</b>	Liz Nembhard, Operations Manager Public Protection and Community Safety Nicola Plant, Assistant Director Place, Public Protection and Community Safety
<b>Lead Officer</b>	Alan Lunt Executive Director - Place
<b>Lead Cabinet Member(s)</b>	Councillor Suzanne Hartwell Cabinet Member for Neighbourhoods & Community & Deputy Leader
<b>Why is this a key decision?</b>	To be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
<b>Wards Affected</b>	(All Wards);
<b>Identify exempt information and exemption category</b>	Open  Choose an item. N/A
<b>Is the report urgent?</b>	No
<b>Reasons for urgency (only where applicable)</b>	N/A
<b>Appendices (if any)</b>	1. Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway

### 1. Executive Summary

- 1.1 This report presents the Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway.
- 1.2 The Code of Practice has been produced to address concerns relating to businesses displaying goods and A Boards on the adopted footway which are causing potential hazards for pedestrians.

## 2. Recommendations

### 2.1 The Cabinet is recommended to: -

Approve the Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway as set out in Appendix 1.

## 3. Proposals – Reasons for the recommendations

3.1 Concerns regarding the Display of Goods and A Boards on the public footway outside businesses and their impact on safety have been long-standing.

3.2 The use of adopted footways for business displays can result in the narrowing of pedestrian pathways and obstruction of sight lines. These conditions may create safety hazards, particularly for vulnerable individuals, including those using wheelchairs, assistance dogs, or walking aids.

3.3 To address these concerns, a Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway has been developed. This Code provides clear guidelines to manage and control obstructions caused by the Display of Goods and A boards. It aims to strike a balance between ensuring pedestrian safety and supporting business activities by allowing a controlled level of encroachment. The Code does not apply to displays or advertising boards located on private property, such as those within privately owned shopping centres.

3.4 The Code of Practice retains reliance on the definitions of obstructions under the Highways Act 1980 where the council's statutory duty is defined and under which enforcement action by prosecution for obstructions on the Adopted Highway may be taken. The use of the Anti-social Behaviour & Crime and Policing Act 2014 will allow the council to also make use of Community Protection warnings and notices to address the issue.

3.5 In line with the Code of Practice and in an effort to foster cooperative compliance, our approach will prioritise the **Four E's Principle**:

- **Engage** – Initiating dialogue with individuals responsible for the obstruction.
- **Explain** – Clearly communicating the issue and the relevant legal obligations.
- **Encourage** – Supporting voluntary compliance and resolution without formal enforcement.
- **Enforce** – Pursuing formal action only where other efforts have failed

3.6 This approach provides a balanced and proportionate alternative to immediate prosecution, promoting and encouraging compliance.

3.7 The implementation and enforcement of the Code of Practice has been developed with the aim of operating within existing resource capacity.

3.8 Highways retain their responsibility for matters of highway obstruction through the work of their Highways Inspectors and also via any reported concerns.

The public will continue to be able to report concerns via the council website. Through the introduction of the Code of Practice, support will also be provided by the councils Environmental Protection service. Both services are active across the Borough and will be able to incorporate this into their respective roles.

#### **4 Alternative Options Considered**

- 4.1 The Council has the option to either adopt the proposed Code of Practice for the Display of Goods and Advertising Boards on the Adopted Footway or to continue operating without formal guidance for businesses. The Council could continue without the Code and rely solely on the provisions of the Highways Act, this would result in the only available enforcement mechanism being formal prosecution. Under a prosecution all goods or obstructions would be required to be removed and there would be limited flexibility in addressing issues on a case-by-case basis.

#### **5. Consultation**

- 5.1 In line with the councils Duty to Consult a public consultation has been undertaken. This was conducted over a 12-week period from 26 September to 11 December 2024.
- 5.2 The survey was published via Citizen Space, the council's dedicated consultation platform and was further promoted through a press release and featured on the Council's website.
- 5.3 To further raise awareness, Highways officers spent a week engaging directly with businesses across the six towns, distributing over 300 information leaflets. These leaflets included a QR code linking to the consultation, providing easy access for participants. A total of 74 responses were received:
- 49% (36) from business owners
  - 43% (32) from residents
  - 8% (6) from individuals representing a group or interested party
- 5.4 54% (40) of all respondents supported the proposal to introduce the Code of Practice, of the responses received 24 included additional comments:
- Business Owners (19 comments):
    - 17 opposed the Code, expressing concerns about its potential negative impact on their ability to promote goods using advertising boards.
    - 1 business supported the Code.
    - 1 was neutral.
  - Residents (4 comments):
    - 1 supported the Code and urged the Council to take enforcement action.

- 3 opposed it, but their comments related to outdoor seating at coffee shops, which falls under the pavement licensing regime and is not covered by this proposal.

5.5 Although the overall response rate to the consultation was relatively low, the findings show slight majority support for the introduction of the Code of Practice. However, a significant number of business respondents expressed concern about how the Code might affect their ability to advertise and display goods.

5.6 The proposed Code was presented to the Safer Neighbourhoods and Active Communities Board. The Board endorsed the proposal to introduce the Code of Practice.

## **6. Financial Implications**

6.1 The Code of Practice and its enforcement has been developed in the context of delivering this within existing capacity.

## **7. Legal and Governance Implications**

7.1 Legal services have been consulted on the draft Code of Practice. The local authority has Powers under Section 137 of the Highways Act 1980 to deal with obstructions and the enforcement action available is that of a prosecution. The use of the Anti-social Behaviour & Crime and Policing Act 2014 will allow the council to make use of Community Protection warnings and notices to address the issue.

7.2 A public consultation in line with the council's Duty to Consult has been undertaken.

## **8. Risks**

8.1 There is a risk of impact on businesses by modifying the extent and nature of permitted displays on the Highway, however this must be balanced with the council's statutory responsibility to address obstructions to the Highway, which includes pavements, that can pose health and safety hazards.

## **9. Equality and Diversity Implications**

9.1 An Equality Impact Assessment screening has been conducted, and it is not anticipated that the Code of Practice will have any negative impact on individuals with protected characteristics. The impact assessment identified a positive impact for individuals with disabilities due to seeking to address obstructions on the adopted highway which can cause safety issues.

## **10. Other Relevant Implications**

10.1 Health and Wellbeing - The Code of Practice aims to improve the visual street environment and mitigating health, and safety risks associated with the uncontrolled placement of goods as when placed inappropriately can lead to cluttered pavements and pose risks to pedestrians—particularly those with visual impairments, mobility issues, or using pushchairs.

## **11. How does this deliver the objectives of the Strategic Themes?**

- 11.1 The introduction of the Code of Practice aligns to the strategic theme of Living in Sandwell as will assist in ensuring free and safe passage for pedestrians, particularly those with mobility aids, visual impairments, or those using pushchairs or wheelchairs. In addition, it aims to improve the visual appearance of the street scene by preventing clutter and promoting orderly and aesthetically acceptable placement of goods.

## Relevance Check

**Budget Reduction/Service Area:**

**Service Lead**

**Date:**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No