

**RECORD OF DECISION NOTICE**

**LICENSING AND PROTECTION SUB COMMITTEE**

**DATE OF HEARING: - Tuesday 24th March 2026**

**MEMBERS: -**

Councillor N Wells (Chair)  
Councillor B Banks  
Councillor J Clarke  
Councillor S Criswell

**CASE CONSIDERED: - APPEAL FOLLOWING REFUSAL TO GRANT STREET TRADING CONSENT**

Mr Adam Miller, Higgys's Ltd, trading at Layby, London Road, Yaxley PE7 3TB

**BACKGROUND: -**

The reason the case appeared before the Sub-Committee was to consider an appeal in regards to refusal to issue a street trading consent for Higgys's Ltd to trade at the location known as Layby, London Road, Yaxley PE7 3TB for static street trading during the period Tuesday to Saturday – 0900hrs to 2100hrs.

The application was received by Huntingdonshire District Council on 15 January 2026.

Consultation was made with the Responsible Authorities. Representations were made by;

- Huntingdonshire District Council, planning enforcement
- Cambridgeshire County Council, Highways

The application was refused on 25 February 2026 and an application to appeal the refusal was made by Higgys's Ltd.

The hearing was conducted as per the Committees standard procedures.

Mr Dell'Orefice, Huntingdonshire District Council, Licensing Officer read the Report to the Committee.

The Committee received legal advice from their Legal Advisor, Mr Parr.

**We heard representations from the following persons: -**

Mr Adam Miller – Company Director  
(Assisted by Ms Higgs)

Mr Miller stated it is not burger van, but a fixed container. It is the same container so cannot have increased in size. Agrees gazebo erected without permission, but it does not encroach onto highway. Cannot understand why consent was granted for 1 year post erection of gazebo.

States there is no consistent, or otherwise, problems with vehicles extending into carriageway.

Challenged breach of conditions. Stated had never received any request to remove container at any time.

Stated layby was in terrible condition before they starting trading there. It was not their customers vehicles causing damage, but HGVs.

Gully probably blocked by unkept verge/mud not vehicles using layby.

Cones in photographs not owned by applicant. But used to try and stop vehicles damaging kerb.

Applicant would be willing, if consent not granted, to work with CCC in finding alternative site.

Applicant states business has not outgrown the lay-by.

If lay-by is closed for repairs they can either find temporary site or permanent trading premises.

#### George Hay – Cambridgeshire County Council Highways

Stated CCC agreed applicant could have their consent to use layby, so long as structure could be removed on 24hrs notice. CCC have never asked for structure to be removed.

Advised applicant that gazebo would probably have to go.

Applicant has become very popular and has outgrown the current site. Especially as it has now become a 'destination.' Rather than being a fast-food outlet, it has now become a 'social site.'

Applicant had actually applied to lease the lay-by for their own use.

CCC has safety concerns over large number of people using lay-by, particularly as a social media event. That is not what lay-by is designed for. Vehicles are queuing to get into lay-by area.

Stated CCC not saying applicant has damaged highway. Damage was there before applicant started trading in lay-by.

Lay-by will be closed shortly until repairs can be carried out.

It was confirmed that the County Council's permission for the business to use the lay-by had been withdrawn.

#### Mr Dell'Orefice, Licensing Officer, Huntingdonshire District Council

Confirmed that CCC highways had offered to assist the applicant in identifying an alternative site as had already been stated within the refusal letter.

#### **We found the following facts: -**

The Committee made the following findings of fact:

- The applicant has not made repeated breaches of licensing conditions

- There are serious health & safety concerns regarding number of people using facility and condition of lay-by.

**In making our decision we considered the following:**

- ❖ Legislative and policy provisions referred to in the report,
- ❖ Huntingdonshire District Council's Street Trading Policy
- ❖ Conditions of licensing
- ❖ Advice from the legal representative
- ❖ Submission from the Applicant

**We did not consider the following matters to be relevant:**

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**Our decision is as follows:**

The Committee resolved to REFUSE street trading consent.

**Our reasons for reaching the decision are as follows-**

The reason for the Committee's decision are as follows:

- Highway health & safety issues at the current location.
- No existing permission from Cambridgeshire County Council to use Highway land at current location.

Signed:

Date: 24.03.2026