

Licensing (Eastwood / Clifton / Boston Castle / Town Centre) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Eastwood / Clifton / Boston Castle / Town Centre) 2026.**
2. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
3. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹. which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;³

(c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;

(d) the house is subject to a temporary exemption under section 86 of the Act; or

(e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act⁵.

7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

³ Section 79 (3) of the Act

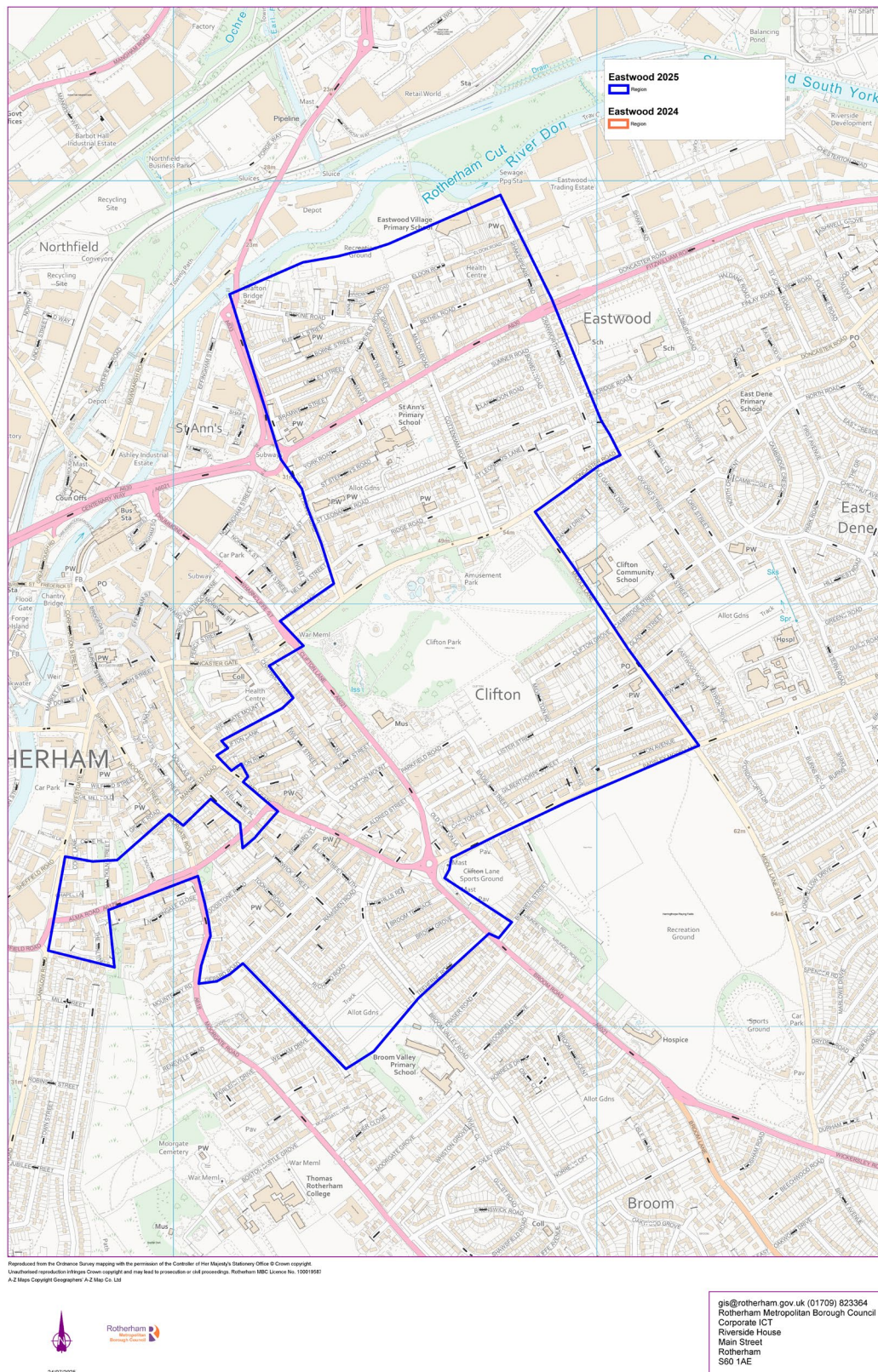
⁴ Section 79 (4) of the Act and SI 370/2006

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

⁶ Section 232 of the Act and paragraph 11 of SI 373/2006

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Annex a – Paragraph 4: Map of Designated Area



Annex b – Paragraph 5(d): Exempted Tenancies or licences⁷

Prohibition of occupation by law

1. A tenancy or licence of a house⁸ or a dwelling⁹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

(a) a business tenancy under Part II of the Landlord and Tenant Act 1954

(b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹⁰

(c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹¹

(d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

⁷ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

⁸ Sections 79 (2) and 99 of the Act

⁹ For the definition of a dwelling – see section 99 of the Act

¹⁰ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹¹ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

management of the holding¹²

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹³ by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998¹⁴
- (e) The Prison Rules 1998¹⁵
- (f) The Young Offender Institute Rules 2000¹⁶
- (g) The Detention Centre Rules 2001¹⁷
- (h) The Criminal Justice and Court Service Act 2003 (Approved Premises) Regulations 2001¹⁸
- (i) The Care Homes Regulations 2001¹⁹

¹² See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹³ For the definition of “person managing” and “person having control” see section 263 of the Act

¹⁴ SI 472/1998 as amended by SI 3005/2003

¹⁵ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁶ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹⁷ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁸ SI 850/2001

¹⁹ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

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- (j) The Children's Homes Regulations 2001²⁰
- (k) The Residential Family Centres Regulations 2002²¹

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice²²

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

²⁰ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

²¹ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

²² See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

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8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the

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whole blood and

(4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective

Licensing (Masbrough / Kimberworth) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

4. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Masbrough / Kimberworth) 2026.**
5. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
6. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house²³. which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²⁴;

²³ For the definition of “house“ see sections 79 and 99 of the Act

²⁴ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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- (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;²⁵
- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act²⁶ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act²⁷.
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.²⁸

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

²⁵ Section 79 (3) of the Act

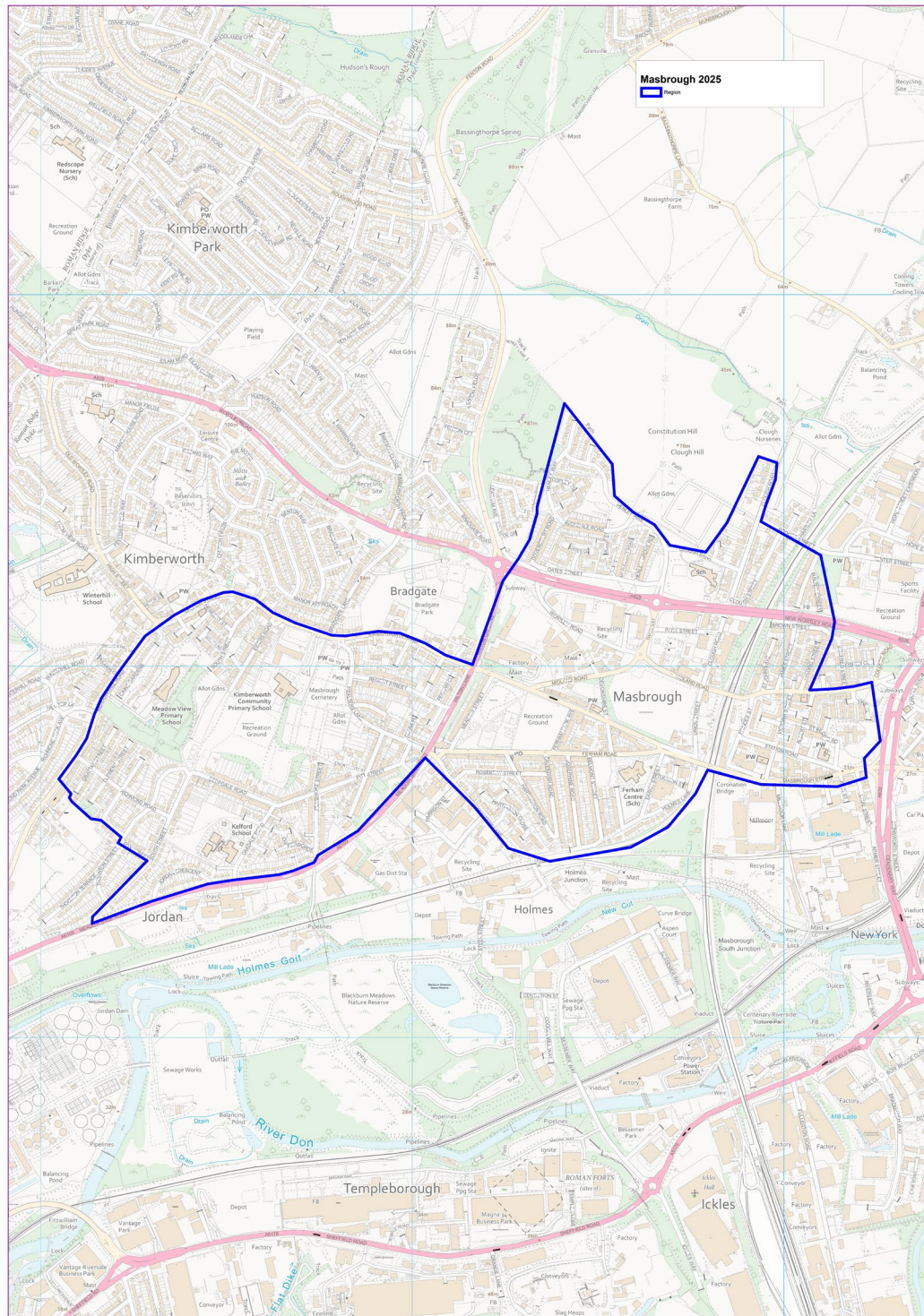
²⁶ Section 79 (4) of the Act and SI 370/2006

²⁷ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

²⁸ Section 232 of the Act and paragraph 11 of SI 373/2006

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Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences²⁹

Prohibition of occupation by law

1. A tenancy or licence of a house³⁰ or a dwelling³¹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises³²
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house³³
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

²⁹ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

³⁰ Sections 79 (2) and 99 of the Act

³¹ For the definition of a dwelling – see section 99 of the Act

³² See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

³³ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

management of the holding³⁴

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Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled³⁶by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998³⁷
- (e) The Prison Rules 1998³⁸
- (f) The Young Offender Institute Rules 2000³⁹
- (g) The Detention Centre Rules 2001⁴⁰
- (h) The Criminal Justice and Court Service Act 2003 (Approved Premises) Regulations 2001⁴¹

³⁴ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

³⁶ For the definition of “person managing” and “person having control” see section 263 of the Act

³⁷ SI 472/1998 as amended by SI 3005/2003

³⁸ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

³⁹ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

⁴⁰ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

⁴¹ SI 850/2001

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- (i) The Care Homes Regulations 2001⁴²
- (j) The Children's Homes Regulations 2001⁴³
- (k) The Residential Family Centres Regulations 2002⁴⁴

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice⁴⁵

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

⁴² SI 3965/2001 as amended by SI 865/2001, SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

⁴³ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

⁴⁴ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

⁴⁵ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and

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(4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective

Licensing (Dinnington) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

7. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Dinnington) 2026.**
8. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
9. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house⁴⁶. which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act⁴⁷;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of

⁴⁶ For the definition of "house" see sections 79 and 99 of the Act

⁴⁷ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;⁴⁸

- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴⁹ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act⁵⁰.
- 7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁵¹

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

⁴⁸ Section 79 (3) of the Act

⁴⁹ Section 79 (4) of the Act and SI 370/2006

⁵⁰ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

⁵¹ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex b – Paragraph 5(d): Exempted Tenancies or licences⁵²

Prohibition of occupation by law

1. A tenancy or licence of a house⁵³ or a dwelling⁵⁴ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises⁵⁵
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁵⁶
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

⁵² See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

⁵³ Sections 79 (2) and 99 of the Act

⁵⁴ For the definition of a dwelling – see section 99 of the Act

⁵⁵ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁵⁶ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

management of the holding⁵⁷

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁵⁸ by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998⁵⁹
- (e) The Prison Rules 1998⁶⁰
- (f) The Young Offender Institute Rules 2000⁶¹
- (g) The Detention Centre Rules 2001⁶²
- (h) The Criminal Justice and Court Service Act 2003 (Approved Premises) Regulations 2001⁶³
- (i) The Care Homes Regulations 2001⁶⁴

⁵⁷ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁵⁸ For the definition of “person managing” and “person having control” see section 263 of the Act

⁵⁹ SI 472/1998 as amended by SI 3005/2003

⁶⁰ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

⁶¹ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

⁶² SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

⁶³ SI 850/2001

⁶⁴ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

Appendix 11 - The Rotherham Metropolitan Borough Council Designation of an Area for Selective

- (j) The Children's Homes Regulations 2001⁶⁵
- (k) The Residential Family Centres Regulations 2002⁶⁶

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice⁶⁷

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

⁶⁵ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

⁶⁶ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

⁶⁷ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

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8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the

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whole blood and

(4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective

Licensing (Thurcroft) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

10. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Thurcroft) 2026.**
11. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
12. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house⁶⁸. which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act⁶⁹;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of

⁶⁸ For the definition of “house“ see sections 79 and 99 of the Act

⁶⁹ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;⁷⁰

- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act⁷¹ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act⁷².
- 7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁷³

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

⁷⁰ Section 79 (3) of the Act

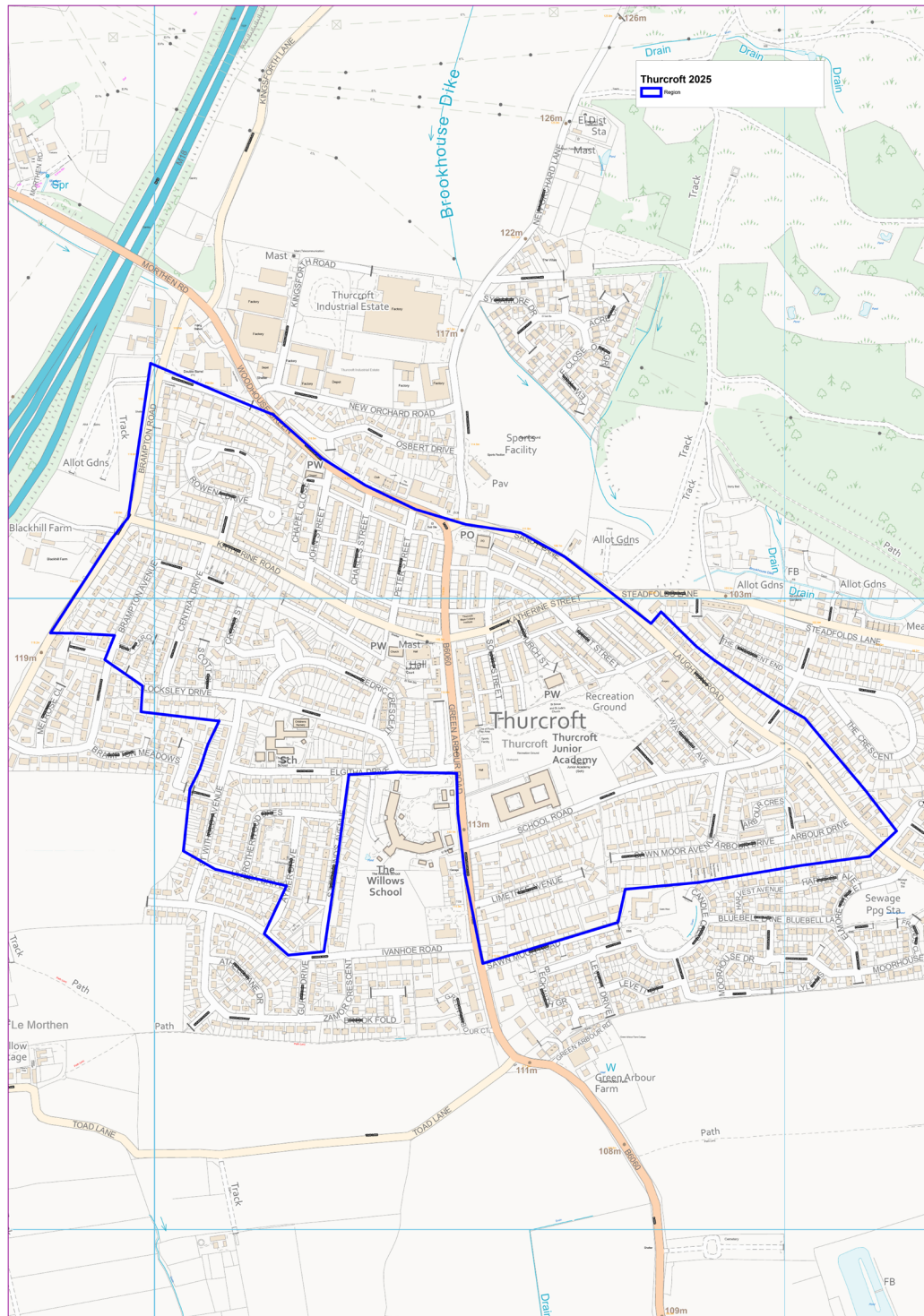
⁷¹ Section 79 (4) of the Act and SI 370/2006

⁷² Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

⁷³ Section 232 of the Act and paragraph 11 of SI 373/2006

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Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences⁷⁴

Prohibition of occupation by law

1. A tenancy or licence of a house⁷⁵ or a dwelling⁷⁶ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises⁷⁷
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁷⁸
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

⁷⁴ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

⁷⁵ Sections 79 (2) and 99 of the Act

⁷⁶ For the definition of a dwelling – see section 99 of the Act

⁷⁷ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁷⁸ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

management of the holding⁷⁹

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁸⁰ by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998⁸¹
- (e) The Prison Rules 1998⁸²
- (f) The Young Offender Institute Rules 2000⁸³
- (g) The Detention Centre Rules 2001⁸⁴
- (h) The Criminal Justice and Court Service Act 2003 (Approved Premises) Regulations 2001⁸⁵
- (i) The Care Homes Regulations 2001⁸⁶

⁷⁹ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁸⁰ For the definition of “person managing” and “person having control” see section 263 of the Act

⁸¹ SI 472/1998 as amended by SI 3005/2003

⁸² SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

⁸³ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

⁸⁴ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

⁸⁵ SI 850/2001

⁸⁶ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

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- (j) The Children's Homes Regulations 2001⁸⁷
- (k) The Residential Family Centres Regulations 2002⁸⁸

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice⁸⁹

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

⁸⁷ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

⁸⁸ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

⁸⁹ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

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8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the

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whole blood and

(4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective

Licensing (Brinsworth) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

13. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Brinsworth) 2026.**
14. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
15. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house⁹⁰. which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act⁹¹;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of

⁹⁰ For the definition of “house“ see sections 79 and 99 of the Act

⁹¹ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;⁹²

- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act⁹³ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act⁹⁴.
- 7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁹⁵

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

⁹² Section 79 (3) of the Act

⁹³ Section 79 (4) of the Act and SI 370/2006

⁹⁴ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

⁹⁵ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex b – Paragraph 5(d): Exempted Tenancies or licences⁹⁶

Prohibition of occupation by law

1. A tenancy or licence of a house⁹⁷ or a dwelling⁹⁸ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises⁹⁹
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹⁰⁰
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

⁹⁶ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

⁹⁷ Sections 79 (2) and 99 of the Act

⁹⁸ For the definition of a dwelling – see section 99 of the Act

⁹⁹ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹⁰⁰ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

management of the holding¹⁰¹

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹⁰² by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998¹⁰³
- (e) The Prison Rules 1998¹⁰⁴
- (f) The Young Offender Institute Rules 2000¹⁰⁵
- (g) The Detention Centre Rules 2001¹⁰⁶
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹⁰⁷
- (i) The Care Homes Regulations 2001¹⁰⁸

¹⁰¹ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹⁰² For the definition of “person managing” and “person having control” see section 263 of the Act

¹⁰³ SI 472/1998 as amended by SI 3005/2003

¹⁰⁴ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁰⁵ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹⁰⁶ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁰⁷ SI 850/2001

¹⁰⁸ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

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- (j) The Children's Homes Regulations 2001¹⁰⁹
- (k) The Residential Family Centres Regulations 2002¹¹⁰

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice¹¹¹

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

¹⁰⁹ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹¹⁰ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

¹¹¹ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

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8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the

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whole blood and

(4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective

Licensing (Parkgate) 2026.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

16. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing **(Parkgate) 2026.**
17. This designation is made on [xxxxx date] and shall come into force on **[This date will not be earlier than three months after the decision by the Council]**
18. This designation shall cease to have effect on **[Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration]** or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged Blue on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹¹², which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act¹¹³;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of

¹¹² For the definition of "house" see sections 79 and 99 of the Act

¹¹³ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

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social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;¹¹⁴

- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act¹¹⁵ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act¹¹⁶.
- 7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.¹¹⁷

Date and authentication by the Council. **[The date is the date the Council resolved to make the scheme]**

¹¹⁴ Section 79 (3) of the Act

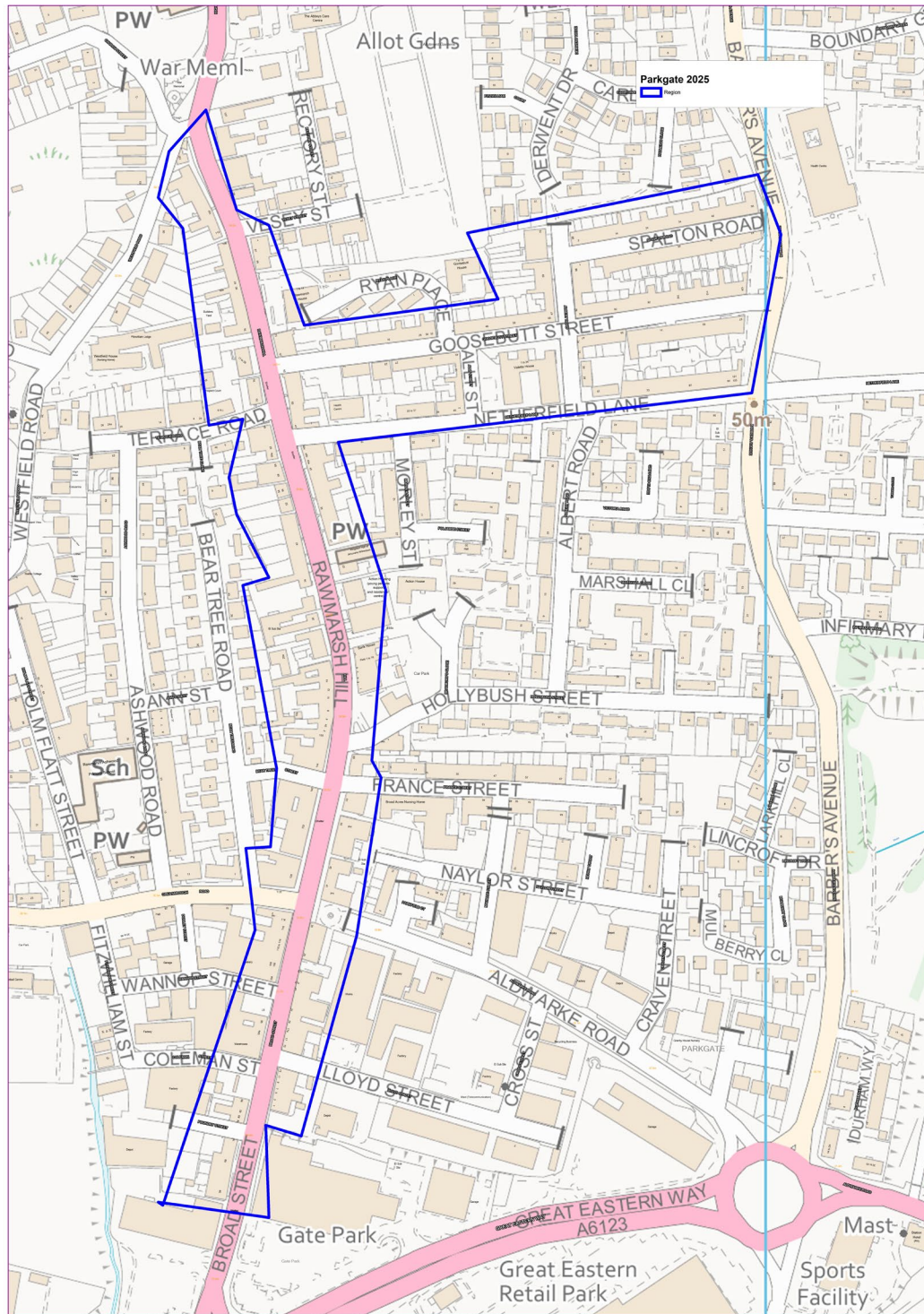
¹¹⁵ Section 79 (4) of the Act and SI 370/2006

¹¹⁶ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

¹¹⁷ Section 232 of the Act and paragraph 11 of SI 373/2006

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Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences¹¹⁸

Prohibition of occupation by law

1. A tenancy or licence of a house¹¹⁹ or a dwelling¹²⁰ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹²¹
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹²²
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the

¹¹⁸ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

¹¹⁹ Sections 79 (2) and 99 of the Act

¹²⁰ For the definition of a dwelling – see section 99 of the Act

¹²¹ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹²² For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

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management of the holding¹²³

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹²⁴ by:

- (a) a local housing authority
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 1998¹²⁵
- (e) The Prison Rules 1998¹²⁶
- (f) The Young Offender Institute Rules 2000¹²⁷
- (g) The Detention Centre Rules 2001¹²⁸
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹²⁹
- (i) The Care Homes Regulations 2001¹³⁰

¹²³ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹²⁴ For the definition of “person managing” and “person having control” see section 263 of the Act

¹²⁵ SI 472/1998 as amended by SI 3005/2003

¹²⁶ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹²⁷ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹²⁸ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹²⁹ SI 850/2001

¹³⁰ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

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- (j) The Children's Homes Regulations 2001¹³¹
- (k) The Residential Family Centres Regulations 2002¹³²

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice¹³³

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

¹³¹ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹³² SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

¹³³ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

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8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

Interpretation

11. In this annex:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
- (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the

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whole blood and

(4) a stepchild of a person is to be treated as his child