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

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 house[1]. 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 Act[2];

   (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)

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 Act[4] 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 Act[5].

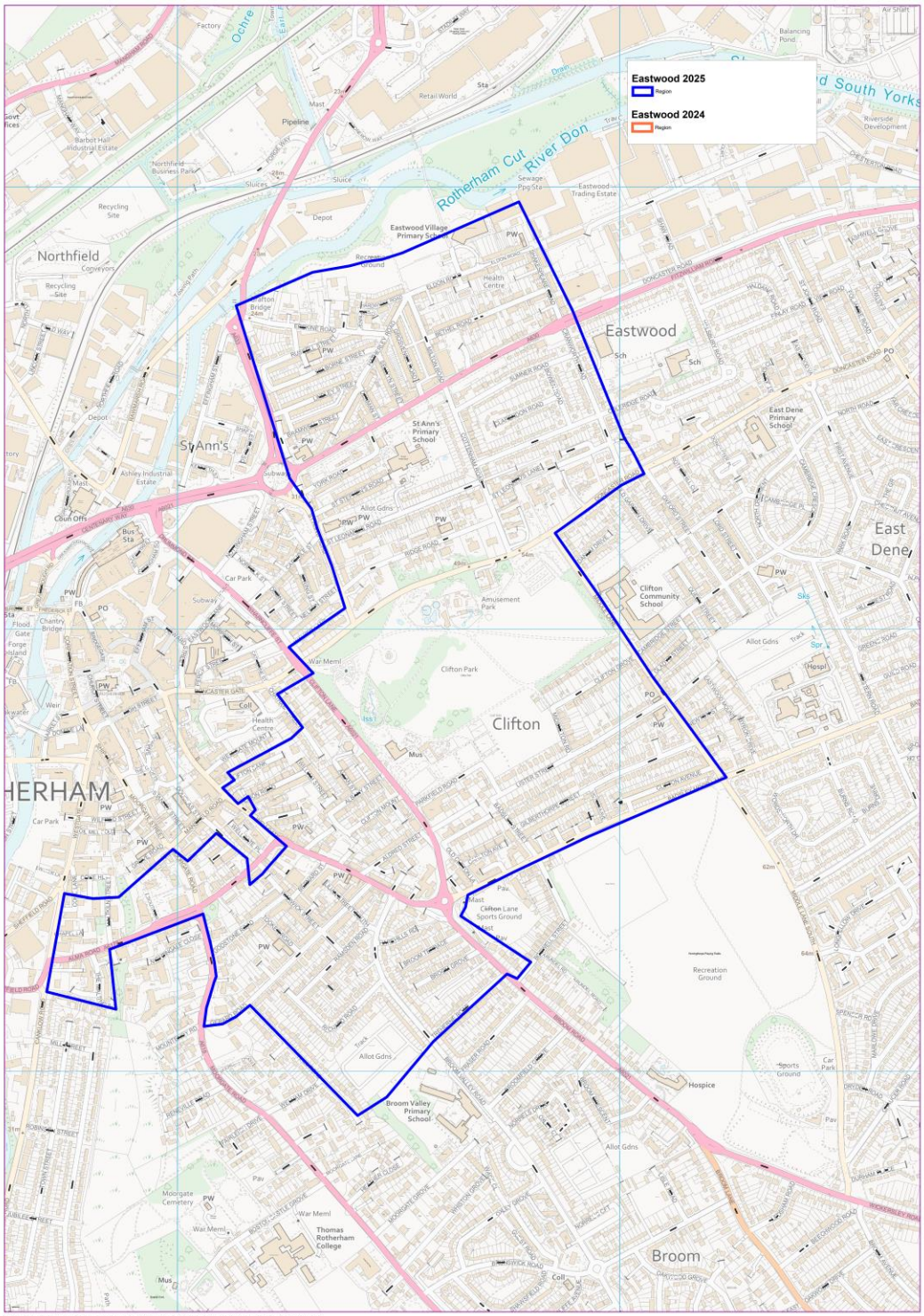
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[6]

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

Annex a – Paragraph 4: Map of Designated Area

[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

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



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[7]

Prohibition of occupation by law

1. A tenancy or licence of a house[8] or a dwelling[9] 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 premises[10]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[11]

(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 holding[12]

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 controlled[13]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 1998[14]

(e) The Prison Rules 1998[15]

(f) The Young Offender Institute Rules 2000[16]

(g) The Detention Centre Rules 2001[17]

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[18]

(i) The Care Homes Regulations 2001[19]

---

[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

(j) The Children's Homes Regulations 2001[20]
(k) The Residential Family Centres Regulations 2002[21]

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 Practice[22]

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

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

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

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 house[23]. 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 Act[24];

[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)

(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 Act[26] 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 Act[27].

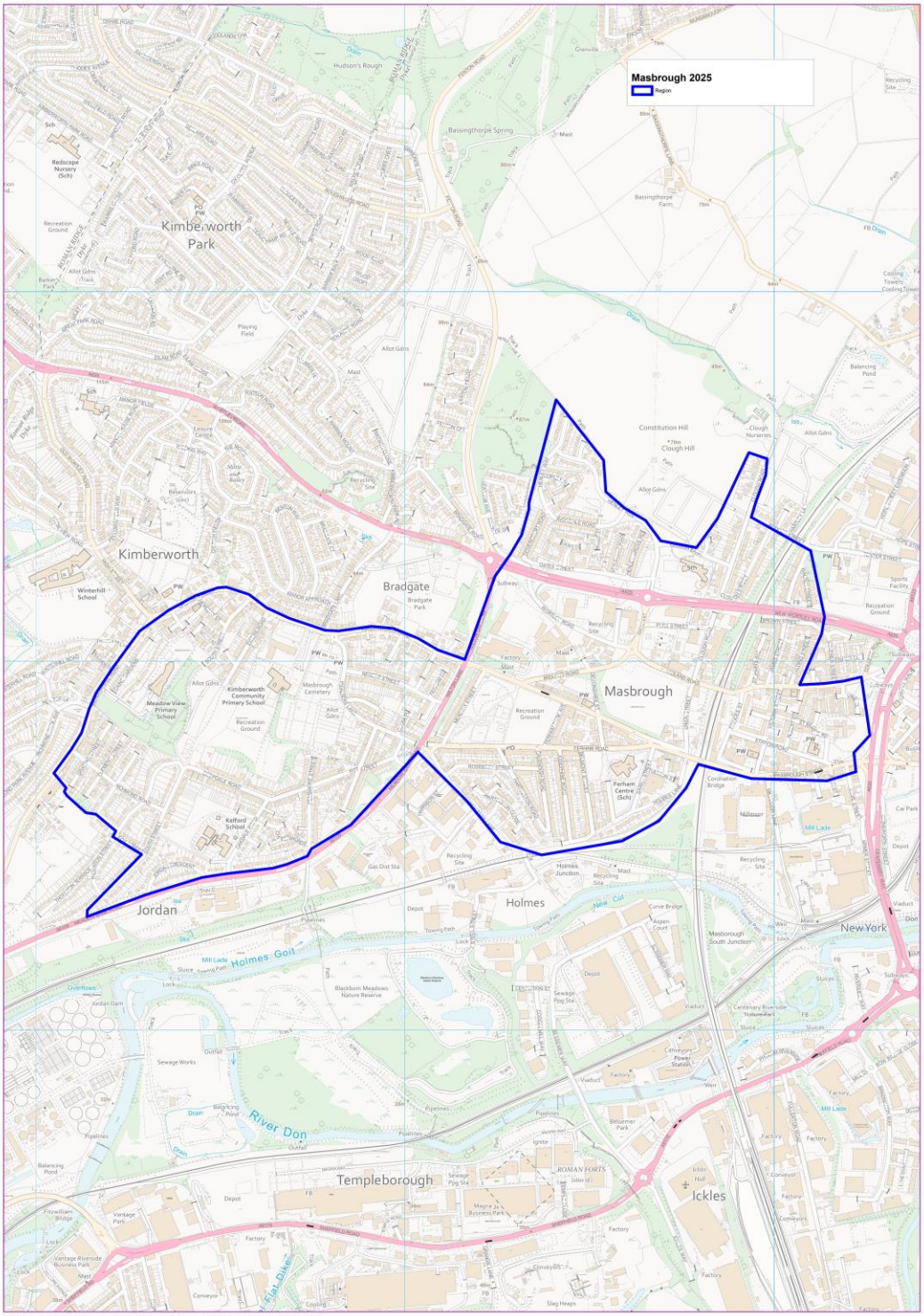
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[28]

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

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

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[29]

Prohibition of occupation by law

1. A tenancy or licence of a house[30] or a dwelling[31] 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 premises[32]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[33]

(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 holding[34]
[35]

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 controlled[36]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 1998[37]
(e) The Prison Rules 1998[38]
(f) The Young Offender Institute Rules 2000[39]
(g) The Detention Centre Rules 2001[40]
(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[41]

[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

(i) The Care Homes Regulations 2001[42]
(j) The Children's Homes Regulations 2001[43]
(k) The Residential Family Centres Regulations 2002[44]

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 Practice[45]

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).

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[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 couple
and
(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

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

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

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 house[46]. 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 Act[47];

   (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)

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 Act[49] 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 Act[50].

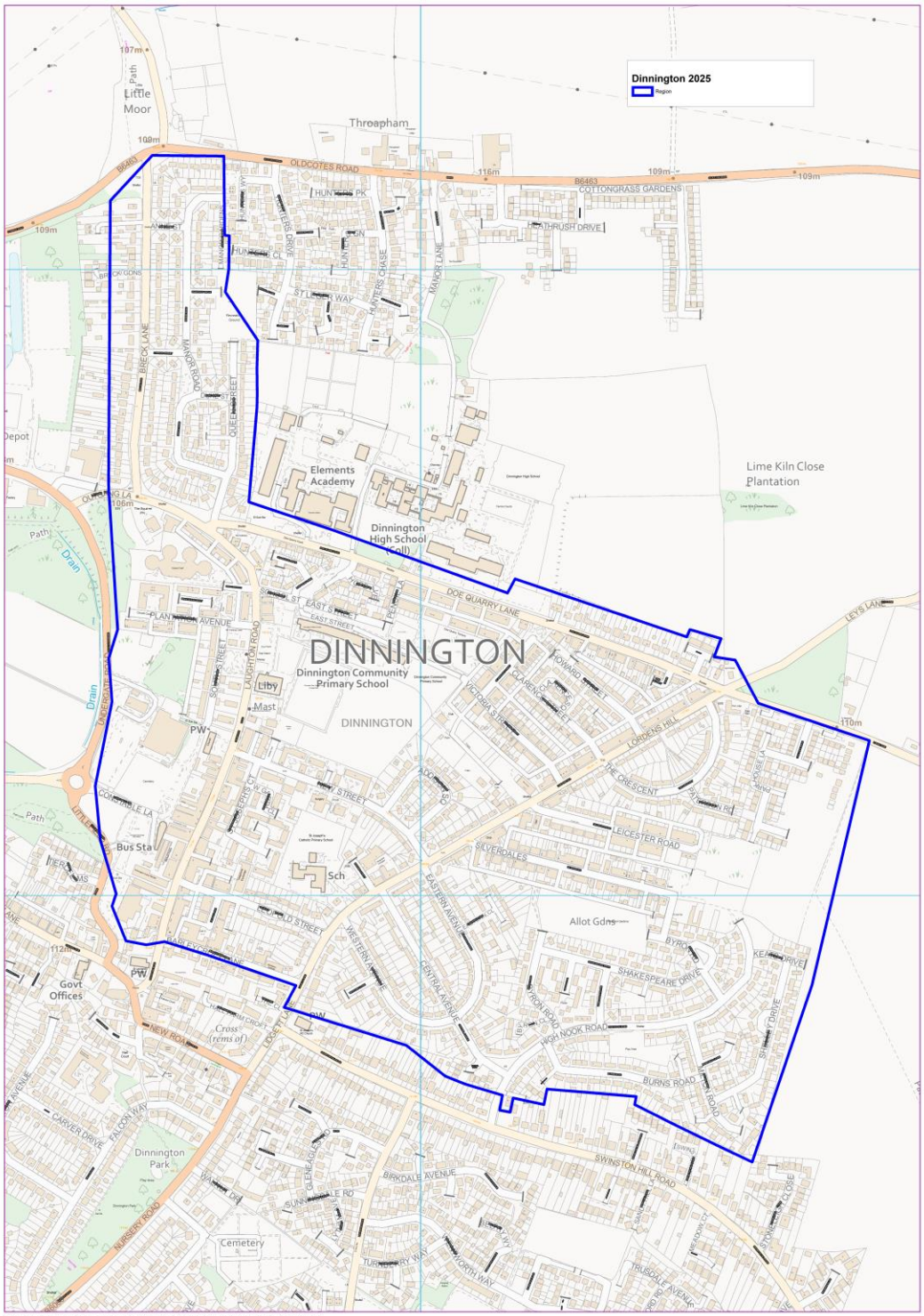
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[51]

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

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

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[52]

Prohibition of occupation by law

1. A tenancy or licence of a house[53] or a dwelling[54] 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 premises[55]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[56]

(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 holding[57]

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 controlled[58]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 1998[59]

(e) The Prison Rules 1998[60]

(f) The Young Offender Institute Rules 2000[61]

(g) The Detention Centre Rules 2001[62]

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[63]

(i) The Care Homes Regulations 2001[64]

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[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

(j) The Children's Homes Regulations 2001[65]
(k) The Residential Family Centres Regulations 2002[66]

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 Practice[67]

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

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

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

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 house[68]. 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 Act[69];

(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)

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 Act[71] 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 Act[72].

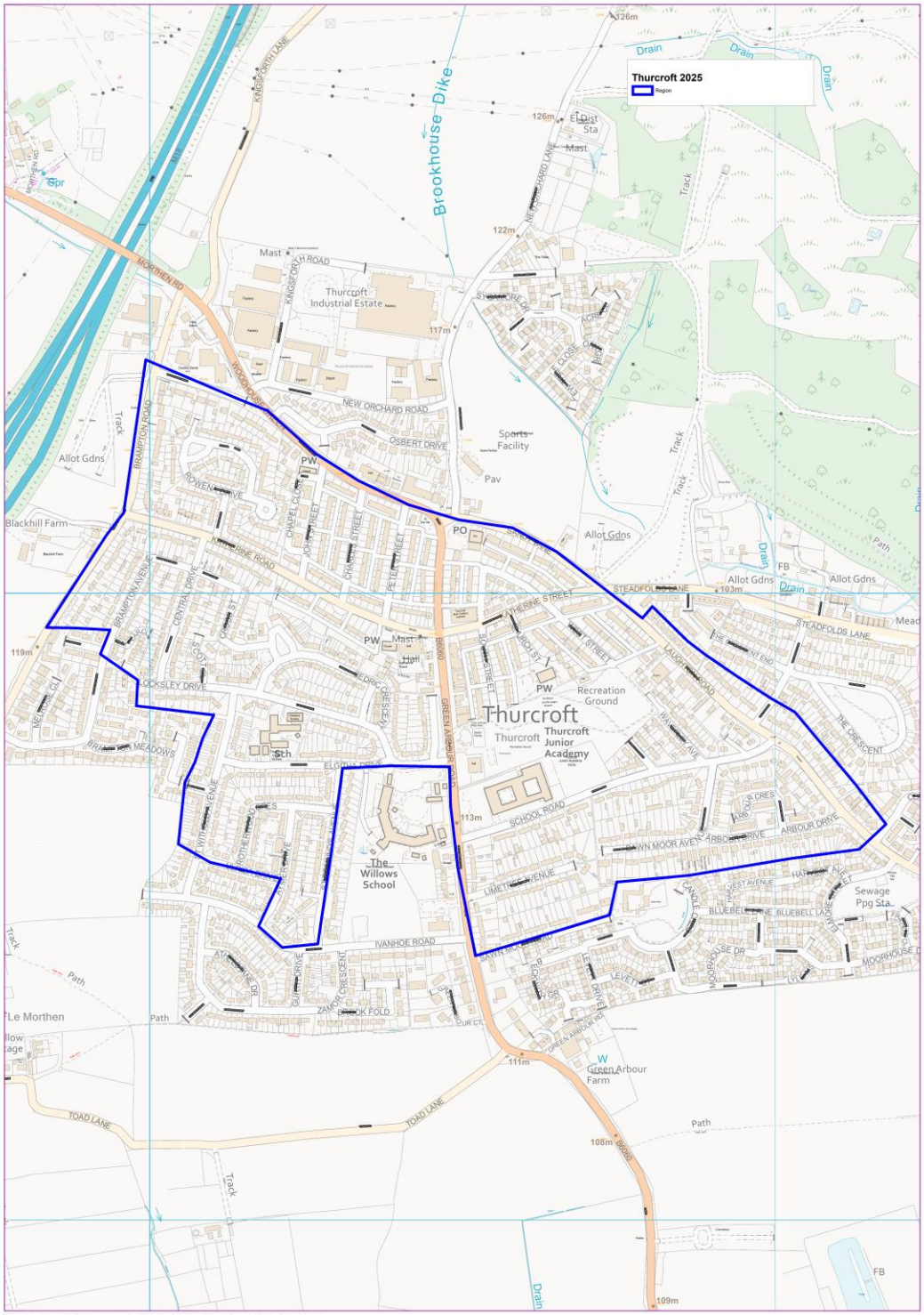
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[73]

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

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

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[74]

Prohibition of occupation by law

1. A tenancy or licence of a house[75] or a dwelling[76] 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 premises[77]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[78]

(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 holding[79]

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 controlled[80]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 1998[81]

(e) The Prison Rules 1998[82]

(f) The Young Offender Institute Rules 2000[83]

(g) The Detention Centre Rules 2001[84]

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[85]

(i) The Care Homes Regulations 2001[86]

---

[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

(j) The Children's Homes Regulations 2001[87]
(k) The Residential Family Centres Regulations 2002[88]

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 Practice[89]

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

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

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

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 house[90]. 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 Act[91];

(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)

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 Act[93] 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 Act[94].

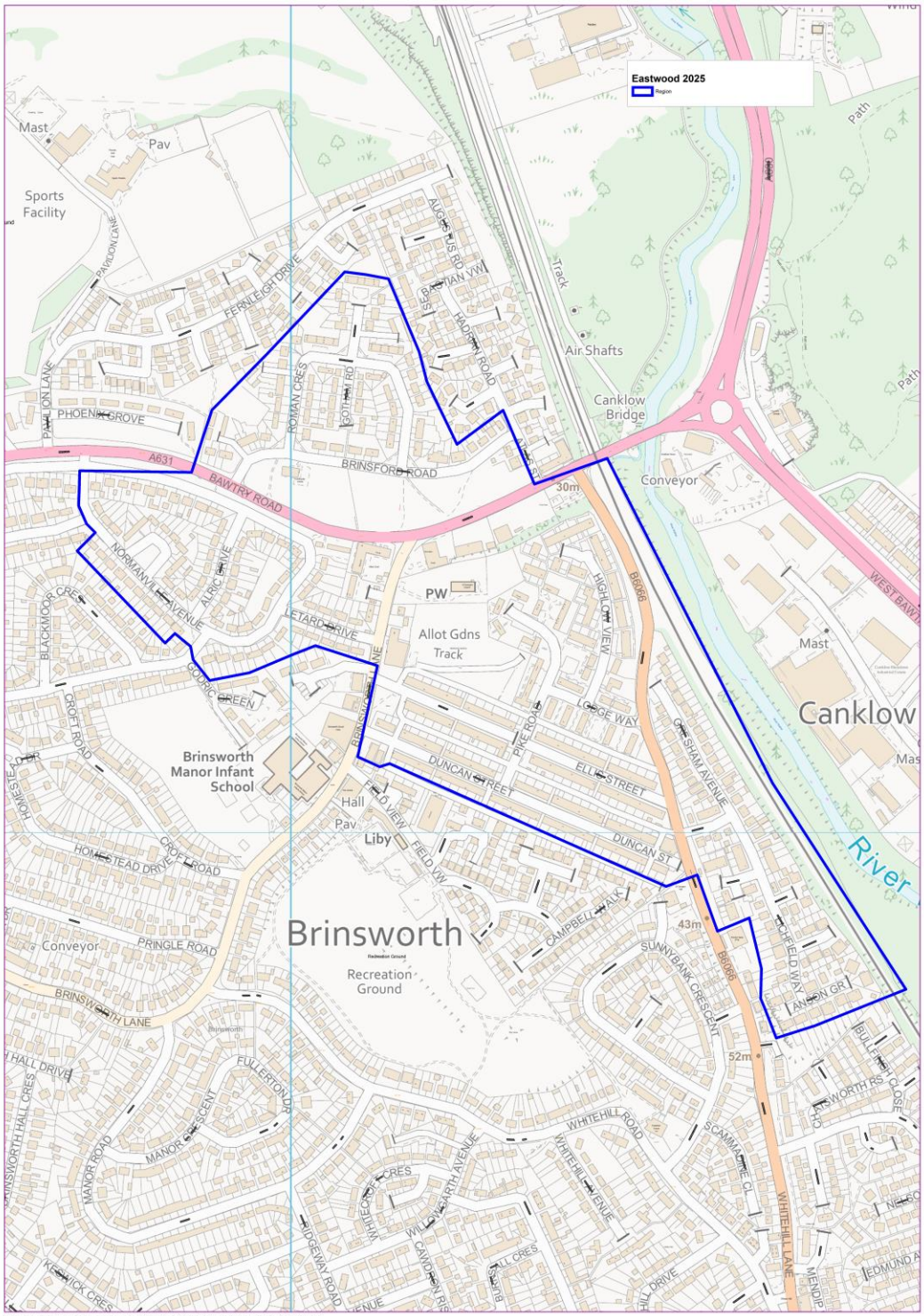
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[95]

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

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

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[96]

Prohibition of occupation by law

1. A tenancy or licence of a house[97] or a dwelling[98] 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 premises[99]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[100]

(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 holding[101]

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 controlled[102]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 1998[103]

(e) The Prison Rules 1998[104]

(f) The Young Offender Institute Rules 2000[105]

(g) The Detention Centre Rules 2001[106]

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[107]

(i) The Care Homes Regulations 2001[108]

---

[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

(j) The Children's Homes Regulations 2001[109]
(k) The Residential Family Centres Regulations 2002[110]

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 Practice[111]

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

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

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

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 house[112]. 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 Act[113];

(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)

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 Act[115] 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 Act[116].

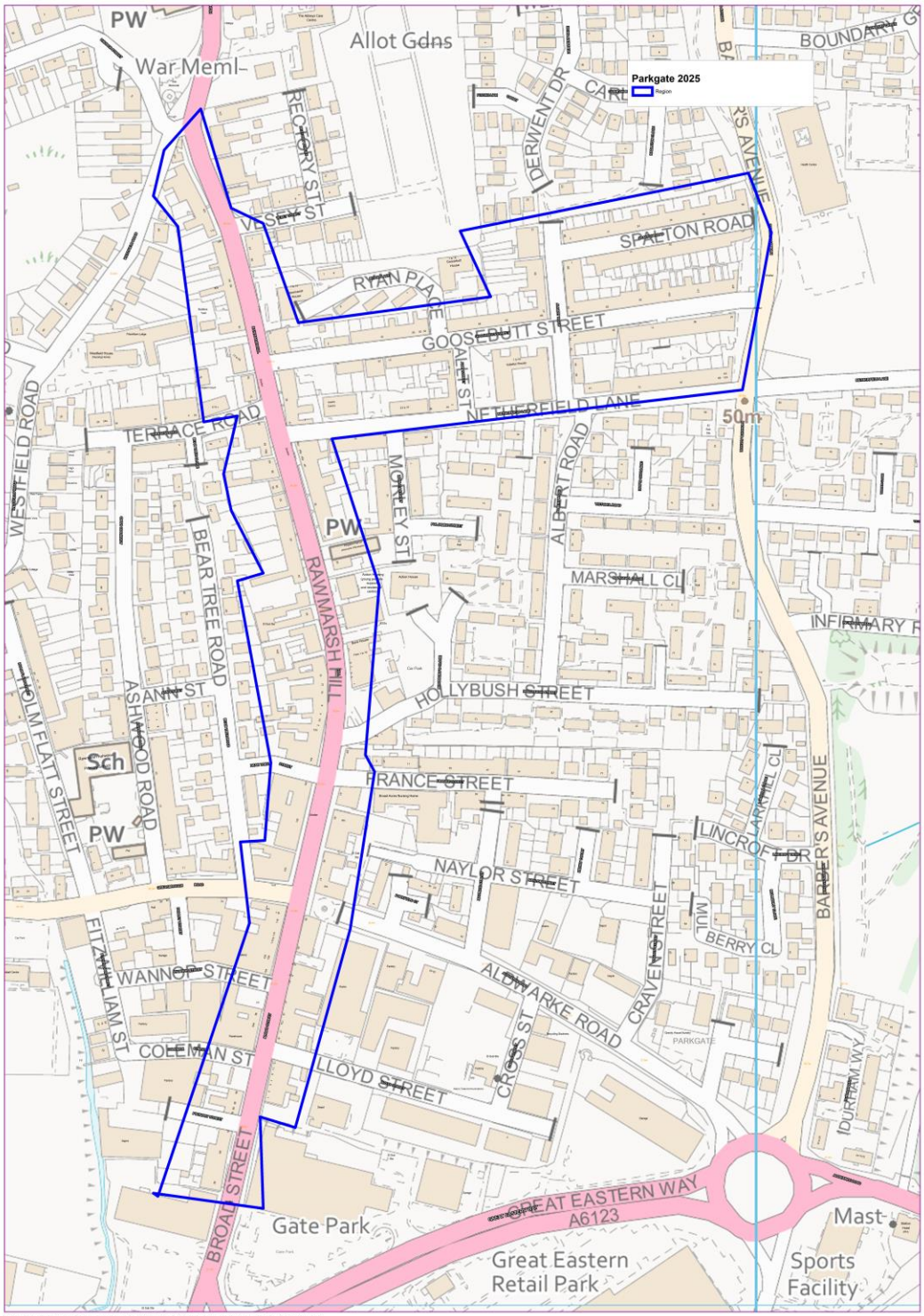
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[117]

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

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

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences[118]

Prohibition of occupation by law

1. A tenancy or licence of a house[119] or a dwelling[120] 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 premises[121]

(c) a tenancy under which agricultural land, exceeding two acres, is let together with
the house[122]

(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

management of the holding[123]

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 controlled[124]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 1998[125]

(e) The Prison Rules 1998[126]

(f) The Young Offender Institute Rules 2000[127]

(g) The Detention Centre Rules 2001[128]

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001[129]

(i) The Care Homes Regulations 2001[130]

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[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

(j) The Children's Homes Regulations 2001[131]
(k) The Residential Family Centres Regulations 2002[132]

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 Practice[133]

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

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