Bolton Council

Houses in Multiple Occupation Guidance and Amenity Standards

Guidance document containing explanatory notes and the standards to be applied to Houses in Multiple Occupation in Bolton

Housing Standards
Castle Hill Centre
Castleton Street, Bolton, BL2 2JW
Tel: (01204) 336500
Email: HMOlicensing@bolton.gov.uk

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Chapter 1 –Introductions & Definitions

1.1 Introduction

This document sets out Bolton Council's standards for Houses in Multiple Occupation (HMOs) and should be used by landlords and agents operating in the area to ensure that their properties meet or exceed these minimum requirements.

Should you wish to vary from these standards due to the individual circumstances of your property and you think an alternative solution would work better, please discuss this with the Housing Standards team. Providing the proposal is within the legislative framework and provides tenants with safe and quality accommodation we will try to adopt a flexible approach when possible.

1.2 Definition of a House in Multiple Occupation (HMO)

The Housing Act 2004 contained a complex and comprehensive definition of what constitutes a HMO. For the purposes of this guidance a simplified definition is more useful which aims to give landlords an understanding of what constitutes a HMO.

In general terms, a HMO is a dwelling (a building or part of a building) that is occupied by three or more people who do not form a single household AND who share one or more basic amenities. A household for the purposes of the Housing Act 2004 can be defined as a group of persons who are all members of the same family (this includes spouses, blood relatives, co-habitees and same sex couples), whilst amenities can be taken to mean toilets, personal washing facilities and cooking facilities.

The exception to this definition is self-contained flats that do not comply with the Building Regulations of 1991 (i.e. they were converted before these regulations were in force or after this without obtaining the necessary approvals). Despite the fact that there is likely to be no sharing of basic amenities in this type of property, they are classed as HMOs for the purposes of the Housing Act 2004 (Section 257).

Chapter 2 – HMO Licensing

2.1 Introduction

Mandatory HMO licensing

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 ('the Prescribed Description Order 2018') extended the scope of section 55(2)(a) of the Housing Act 2004 ('the Act'), so that mandatory HMO licensing applies to HMO properties which are less than three storeys high. Therefore, Mandatory HMO licensing applies if a property is:

- Occupied by five or more persons, from two or more separate households **AND**
- Share a basic amenity such as a toilet, bathroom or kitchen

2.2 Additional HMO licensing

Additional Licensing under section 56 of the Housing Act 2004, allows the local authority to designate either the whole of their district or an area within their district as subject to an additional HMO licensing scheme, which may include

- Smaller HMO's – occupied by 3 or 4 people, forming two or more households and sharing facilities such as a bathroom or kitchen.
- Self-contained flats that fall with the definition of Section 257 of the Housing Act 2004. This is where the conversion of the properties did not meet the appropriate building standards and less than two-thirds of the self-contained flats are owner-occupied.

2.3 Licensing Fees

Under the licensing arrangements the Council will make a charge for administering and issuing a licence. Fees must however, reflect the actual costs of licensing a property and operating the licensing regime.

A licence will last for a maximum of five years, although it may be issued for a shorter period in certain circumstances.

2.4 Licensing Application

Applications for HMO licences should be made online via the Council's website. In order to make an application you will need all the details about the property, licence holder and any manager. You will also be required to upload various certificates and documents and make payment. Home in multiple occupation licence – Bolton Council

2.5 Public Register

It is a legal requirement for Local Authorities to provide a register of all specific details relating to licensable HMOs. Anyone can request to view a public register by visiting the relevant council offices by appointment (see front cover for details). The public register will contain information as required by Section 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (these regulations can be accessed through www.legislation.gov.uk). In summary the following information will be held:

- Name and address of licence holder and any manager
- Address of the property to be licensed
- Basic information on the property to be licensed (i.e. number of storeys, number and type of rooms etc.).
- The maximum number of households permitted to occupy the HMO

2.6 Licensing Procedure

Anyone who owns or manages a HMO that must be licensed has to apply to the council for a licence. For the Council to issue a licence it must be satisfied that the:

- HMO is reasonably suitable for occupation by the number of people allowed under the licence;
- Proposed licence holder is a fit and proper person. The proposed licence holder will be required to submit a Basic Criminal Disclosure which has been obtained within three months prior to submitting an application, as part of the fit and proper persons check.
- Proposed licence holder is the most appropriate person to hold the licence;
- Proposed manager, if there is one, is fit and proper;
- Proposed management arrangements are satisfactory, the person involved in the management of the HMO is competent and the financial structures for the management are suitable.

2.7 Offences and Penalties

Failure to licence a licensable HMO is a criminal offence and subject to an unlimited fine on conviction in the Magistrates Court. Alternatively, you could be issued with a civil penalty of up to £40,000.

Where a property is licensable but the landlord, does not apply for one and therefore operates without a licence then no rent or other charge may be taken for the property. Breaching any licensing condition is a criminal offence and could result in a prosecution or being issued with a civil penalty.

2.8 Management Regulations

The person in control of a HMO is subject to a number of regulations around looking after, and maintaining the property. These are

- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

It is strongly advisable that you, and all persons involved in the management of the property familiarise yourselves with these regulations.

2.9 Planning Permission

Planning permission is now required for all HMOs in Bolton regardless of size.

On Friday 13 June 2025 Bolton Council introduced a boroughwide immediate Article 4 Direction removing the permitted development right to convert a dwellinghouse (Class C3) into a House in Multiple Occupation (HMO) (Class C4) for up to six residents. This means that all such conversions require planning permission. This includes cases where buildings have been modified but had not yet been occupied as HMOS on this date. Conversions of dwellings to HMOs for seven or more residents fall under the Sui Generis use class and continue to require planning permission as they have always done.

The starting point for planning decisions is the Development Plan. This includes the Greater Manchester Places for Everyone (PfE) Joint Development Plan, the Core Strategy and the Allocation Plan and Policy Map and is supported by various Supplementary Planning Documents (SPDs).

Compliance with the Council's HMO licensing requirements does not mean that planning permission will be granted. The guidance and standards contained within this document are not part of the Development Plan and have limited weight in any planning decision.

The Council is currently in the process of preparing a new Local Plan, which will contain bespoke policies setting out the planning requirements for HMOs. Until such time as this is adopted, applicants should as a minimum familiarise themselves with PfE Policy JP-P1, Core Strategy Policy CG4 and the Council's General Design Supplementary Planning Document.

PfE Policy JP-P1 and Core Strategy Policy CG4 require all new residential developments, including HMOs, to be comfortable and inviting, with indoor and outdoor environments that offer a high level of internal and external amenity. They also require development to have good access to natural light, outlook, privacy and an adequate internal and external layout.

SPD General Design sets out minimum interface distances from main room windows. For the purposes of HMO applications, Bolton Council take the view that main room windows will include any shared kitchen / dining room, shared sitting room and all bedrooms. Where these standards cannot be met, developments will be expected to compensate in some other way, for example with larger room sizes.

Where bedrooms include kitchenettes with cooking facilities and ensuite bathrooms, they will be deemed to have provided all the 'basic amenities' listed under Section 254 of the Housing Act 2004 and will be classed as studio flats. They will in turn then need to meet the minimum space requirement for a 1-person 1-bedroom dwelling of 37sqm as set out in the Government's *Technical housing standards – nationally described space standards (March 2015).*

Policy JP-P1 also requires development to contribute towards a sense of community. This means that applications which will contribute towards an over proliferation of HMOs in a particular area or which result in a dwelling being sandwiched between two other HMOs are unlikely to be acceptable.

Other requirements include the provision of adequate bin storage areas and cycle storage.

If you are in anyway unsure what might be an acceptable form of development for your HMO, you are advised to engage with us using the Council's pre-application service, details of which are on the Council's website: www.bolton.gov.uk/planning.

2.10 Other Statutory Requirements

Compliance with the licensing requirements of the Housing Act 2004 and the planning requirements of the Town and Country Planning Act 1990 does not confer exemption from action by the Council under other legislation.

The Council may serve a range of notices in respect of houses in multiple occupation. These include notice requiring the execution of works to reduce health and safety hazards identified; notice requiring steps to be taken to reduce the level of occupancy; notice to remedy neglect of management and powers to take over poorly managed properties.

It is also advisable to contact Building Control to ensure compliance with Building Regulations.

These powers operate independently of any licensing scheme.

Chapter 3 – Crowding and Space Standards

3.1 Introduction

Lack of space and overcrowded conditions have been linked to a number of health outcomes, including psychological distress and mental disorders, especially those associated with a lack of privacy and childhood development. Crowding can result in an increased in heart rate, increased perspiration, reduction of tolerance, and a reduction of the ability to concentrate. Crowded conditions are also linked with increased hygiene risks, an increased risk of accidents, and spread of contagious disease.

Within a dwelling there should be sufficient space for the separation of different household activities, either by physical separation or by a clearly defined space within a larger space. The degree of separation is partly dependent on the number of people who can be expected to share the space, and whether or not they are expected to be part of the same household.

3.2 Crowding and the Housing Health & Safety Rating System (HHSRS)

Guidance has been provided by the Government to assist officers in assessing the hazard posed by overcrowding in HMO properties. Where an officer believes that conditions are overcrowded, a risk assessment will be undertaken using the HHSRS and the score generated will guide any action taken. Sufficient space must be provided for the separation of household activities and adequate space provided to allow households tasks to be undertaken in a safe manner without the risk of collision (e.g. cooking). Within each unit there must be sufficient space for the separation of domestic activities e.g. cooking and sleeping in bedsit type accommodation. Privacy must also be considered to allow occupants to spend time alone, for example bathrooms and toilets must have locks to allow occupants to feel they have the right to privacy.

The tables provided on the following pages are to provide landlords with guidance as to what room sizes are acceptable for a variety of HMO type accommodation. **Note – Bolton Council has increased the sizes of HMO bedrooms from the minimum sizes set out in legislation.**

3.3 Minimum bedroom sizes when sharing facilities

The floor area of any room in a HMO used as sleeping accommodation by one person aged over 10 years must not be less than 7.5 square metres.

The floor area of any room in a HMO used as sleeping accommodation by two persons aged over 10 years must not be less than 11.5 square metres.

A separate living/communal space will also be required in addition to the above. (See table 3.5)

3.4 Table 1 - room sizes for self-contained HMO's (Section 257 flats) and bedsits with shared bathrooms.

These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them.

Property Type	Room (m^2)					
	Kitchen	**Bedroom**	**Living room**	**Living / Bedroom**	**Living / kitchen**	**Living /kitchen/ bedroom**
Self-contained unit – one person	4.65	6.51	9.0	10.22	11.0	13
Self-contained unit - two people	4.65	10.22	12	14.0	15.0	15.0

The above table can be used to calculate the minimum room sizes for self-contained units that are classified as HMOs.

† Single room units are only suitable for individuals, unless they are married or co-habiting couples. Persons of the opposite sex over the age of ten, who are not living as partners, are not permitted to share sleeping rooms.

3.5 Table 2 – room sizes when sharing amenities (includes shared houses and bedsits)

NOTE: The kitchen / Communal sizes in the table below are dependent on the number of occupants. These are the minimum sizes and the amenities prescribed for the kitchen facilities in Chapter 4 must be adhered to. If its not possible to fit them into the room sizes in the table below, a larger kitchen or kitchen / dining room will be required.

Minimum Bedroom Sizes

1 person 7.5 m^2
2 persons 11.5m^2

Room / No. of occupants	*Kitchen (m^2)*	*Kitchen / Dining Room Combined (m^2)*	*Separate Dining / Living Room (m^2)*
1-4	*8*	*12*	*8.5*
5-7	*9*	*15*	*11*
8-10	*13.5*	*20*	*16.5*

Guide to the above table:

- A communal space is separate from the kitchen and Ideally be on the same floor as the kitchen. Or it can be a combined kitchen/dining room but all amenities specified in chapter 4 must be provided.
- A room smaller than 7.5m^2 **will not** be considered suitable to be used as a bedroom

Note: no single kitchen can be for more than 10 people.

For example: for a 6 person HMO, the kitchen must be a minimum of 9m^2 with a minimal communal space of 11m^2. The floor area can be combined into kitchen/communal space, however amenities in Chapter 4 must be provided.

Therefore, for 6 persons 2 sinks, 2 ovens with grill, 2 x 4 ring hob (1 oven or 1 hob can be replaced with an airfryer of 6 litres) , 3 metres x 500mm of worksurface, 6 x 500mm lockable cupboard space (not sink unit), 2 x 500mm communal cupboards (not sink unit) , 2 x 500mm drawer pack, 2 x large fridge freezers (1700mm in height minimum), 2 x under counter fridges.

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Chapter 4 – Amenity Standards

4.1 Facilities for Storage, Preparation & Cooking of Food

There must be adequate and sufficient facilities for the storage, preparation and cooking of food and the disposal of waste water for the number of persons in occupation. In addition:

- Adequate means of and artificial lighting must be provided
- Mechanical ventilation to outside must be provided
- Adequate work surfaces to allow the safe preparation of food as stated
- Adequate refrigerated, frozen and dry storage to allow food to be stored safely as stated
- Kitchen to have at least 6 suitably located electrical sockets, plus dedicated sockets for cooker and washer.

No single kitchen to be for more than 10 people.

Minimum requirements when facilities are shared:

Appliance/Equipment	Minimum requirements
Sinks	• 1 per 5 occupiers • Appropriate splash back • Provide constant hot and cold water • Suitable draining area
Cookers	• 1 Oven and grill per 5 occupiers • 4 ring hob per 5 occupiers • 1 Microwave per 5 occupiers • For 6-10 occupiers second oven or 4 ring hob can be substituted for an air fryer (minimum 6 litre) •
Worktop	• 500mm x 500mm per person
Cupboard space (not to include under sink storage)	• 500mm width lockable cupboard per person • 500m width communal cupboard per 5 occupiers • 500m width drawer pack per 5 occupiers •
Fridge/freezers	• 1 large fridge freezer (min height 1700mm) and one under counter fridge per 5 occupiers. •
Dining area (within kitchen or communal space)	• 1-4 person - 4 person table and chairs • 5-10 person – 6 person table and chairs

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Minimum requirements when facilities are for exclusive use:

Appliance/Equipment	Minimum requirements		
Sinks	• 1 sink • Provide constant hot and cold water • Suitable draining area • Appropriate splash back		
Cookers	• 4 ring hob • Oven and grill	OR	• 2 ring hob • Oven and grill combined • Microwave or airfryer
Ventilation	Mechanical ventilation to the outside air or openable window		
Worktop & cupboards (suitable for the number of occupiers)	Worktop 1000mm x 500mm 1 x 500mm width drawer pack 2 x 500mm width cupboard other than sink unit Suitable space within the kitchen area, with available socket for refrigeration.		
Dining area	2-person table and chairs or breakfast bar		

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4.2 Personal Washing Facilities

General requirements

- All toilets and bathrooms must be suitably located in relation to the living accommodation in the HMO i.e. amenities shared by two or more households must be accessible from a common area, toilets must not open directly into kitchens and must not be more than one floor distance away from any user.
- Mechanical extract ventilation is essential for shared facilities.
- Adequate heating in the bathroom must be provided.
- Every water closet (W.C.) to be fitted with a suitable seat, secured to the floor and discharging to suitable drainage. Cistern to have a constant supply of water. External W.C. will not be accepted within the required ratio.
- Wash hand basin (WHB) 560mm x 430mm minimum size to be fitted with suitable splash back with constant supplies of hot and cold water and trapped waste outlet
- Bath (if fitted) minimum of 1.67 metres in length with suitable splash back minimum height 450mm
- Shower cubicle (if fitted) minimum 800mm x 800mm purpose made cubicle
- Wall finish must be readily cleansable.
- Floor finish must be readily cleansable, non-absorbant and fitted.

Self-contained Flats

- 1 W.C., wash hand basin and bath or shower per flat

Bedsits, Shared Houses, Hostels and Halls of Residence

- 1 – 4 persons 1 full bathroom (comprising bath/shower, W.C. & WHB)
- 5 Persons 1 full bathroom AND 1 separate W.C. with WHB
- 6 – 10 persons 2 full bathrooms AND 1 separate W.C. with WHB
- 11 – 15 persons 3 full bathrooms AND 1 separate W.C. with WHB
- 16-19 persons 4 full bathrooms AND 2 separate W.C.s with WHBs

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Chapter 5 – Certification

5.1 Gas Safety (Installation and Use) Regulations 1998

As a landlord, you are responsible for the safety of your tenants. The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the duties of landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. Note: boilers serving the whole/part of the building must be located in a communal area.

As a landlord, you have a duty to ensure:

- Gas fittings (appliances, pipework) and flues are maintained in a safe condition;
- All installation, maintenance and safety checks are carried out by a Gas Safe registered engineer.
- **An annual safety check is carried out on each gas appliance/flue** by a Gas Safe registered engineer. Checks need to have taken place within one year of the start of the tenancy/lease date, unless the appliances have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- A record of each safety check is kept for two years;
- A copy of the current safety check record is issued to each existing tenant within 28 days of the check being completed, or to any new tenant before they move in (in certain cases the record can be displayed).

5.2 Electrical Safety

The electrical installation to the property should be installed and maintained in accordance with a recognised standard, such as the current edition of the IEE (Institute of Electrical Engineers) Wiring Regulations and **a satisfactory Electrical Installation Condition Report (EICR) report must be obtained. The installation should be retested and certified, as described or every five years**, or following any alterations or extensions to the system.

All work to the electrical installation should be carried out and certified by a NICEIC (National Inspection Council for Electrical Installation Contracting) member or approved body or competent person.

All electrical appliances provided by the landlord will require a Portable Appliance Test (PAT) certificate.

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5.3 Location of meters

All gas, electrical and water meters ideally are to be located in a communal area, to be accessible for reading. However, Emergency Cut off Valve (ECV), consumer unit and stop cock must be located in a communal area. Bedrooms containing ECV and or consumer units will be prohibited for use until such time as they are re-sited to a communal area. In properties with mixed residential/ commercial use separate supplies, meters and isolation must be provided and sited appropriately within the separate units.

5.4 Furniture Safety

All furniture provided with the accommodation must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). You are required to sign a declaration on the application form to the effect that the above condition is met.

5.5 Waste Disposal

Supply suitable receptacles for waste storage within communal kitchens. Provide adequate receptacles and storage area for waste pending collection. Tenants must be advised of their responsibilities in relation to waste storage and collection. Ensuring that waste is stored correctly must form part of the management checks

5.6 Common parts internally and externally

All common parts of the property must be clean, well maintained and kept free of obstructions. Ensuring that common parts of the property are clean, well maintained and kept free of obstructions must form part of the management checks.

5.7 Fire Safety

The Regulatory Reform (Fire Safety) Order 2005 is statute law which imposes requirements and duties on the responsible person (the person having control over the premises, i.e. the owner, landlord, managing agent etc.) of the premises to ensure the safety of all relevant persons.

The Fire Safety Order (FSO) applies to most premises other than single private dwellings. One of the main requirements of the FSO places a duty on the responsible person to ensure that a suitable and sufficient risk assessment has been carried out. This must identify the general precautions that are required for the safety of all relevant persons, and remedial work must be conducted in accordance with the assessment to reduce the risk from fire.

Housing Standards will request copies of Fire Risk Assessments and will, where necessary take formal action should remedial work identified in the Fire Risk Assessment remain outstanding.

A certificate confirming the correct installation and operation of the fire alarm system must be submitted with a licence application. Certificates should conform to the relevant British Standard (BS5839).

Where emergency lighting is fitted, a certificate will be required to show this has been installed and tested in accordance with current British Standards.

5.8 Fire Safety Guidance

For detailed guidance about the required safety measures in HMOs please refer to the LACORS national fire safety guidance *"*Housing - Fire Safety Guidance on Fire Safety Provisions for Certain Types of existing housing". This can be found at **Fire safety: guidance for those with legal duties - GOV.UK**