



City of Westminster

EQUALITY IMPACT ASSESSMENT TOOL

The council has a statutory duty to consider the impact of its decisions on age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex (gender) and sexual orientation.

The Council also has a duty to foster good relations between different groups of people and to promote equality of opportunity.

Completing an EIA is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision. Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

When you should undertake an EIA:

- You are making changes that will affect front-line services
- You are reducing the budget of a service, which will affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles (particularly if it impacts on frontline services).
- EIAs also need to be undertaken on how a policy is implemented even if it has been developed by central government (for example cuts to grant funding).

Who should undertake the EIA:

- The person who is making the decision or advising the decision-maker

Guidance and tools for completing EIAs are available on the WIRE:

<https://officesharedservice.sharepoint.com/sites/intranet/wcc-comms/Pages/Equality-Impact-Assessments-.aspx>

An EIA e-learning module is available for all Westminster staff:

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When you have completed an EIA, please send the final copy to Equalities@westminster.gov.uk

It is the responsibility of the service to complete an EIA to the required standard and the quality and completeness of EIAs will be monitored by EMT.

All EIAs for proposed changes to levels of service arising from budget proposals must be completed by **2 September 2016**.

Title				
6.2 Enforcement of national mandatory HMO Licensing regime within Westminster – increase in come target from licence fees from £148,000 to £183,000				
<p>What are you analysing?</p> <ul style="list-style-type: none"> • What is the purpose of the policy/project/activity/strategy? • In what context will it operate? • Who is it intended to benefit? • What results are intended? • Why is it needed? 				
<p>Under the Housing Act 2004, local authorities are responsible for enforcing a national mandatory licensing regime for certain types of houses in multiple occupation (HMOs). Such properties require a licence to operate for which a fee is payable.</p> <p>This duty is enforced borough-wide by the Residential Services team ensuring properties are appropriately licensed. Applications are determined in a timely fashion, and licence conditions are imposed to ensure the satisfactory management of these properties.</p> <p>Non-compliance with HMO licensing requirements result in further legal action by way of prosecution through the court system.</p> <p>Licensable HMOs are identified through a number of routes;</p> <ul style="list-style-type: none"> • Direct contact from landlords and tenants • Direct contact from residents in neighbouring properties • Referrals from internal partners including Planning Enforcement & City Inspectors • Interrogation of data within other Council departments e.g. Council tax <p>It is accepted that there are likely to be a significant number of unlicensed HMOs operating within Westminster. Residential Services intends to work more proactively to identify these properties and bring them into the licensing regime.</p> <p>HMO licences last for a maximum of 5 years. The current licence fees are as follows;</p> <table data-bbox="145 1568 957 1646"> <tr> <td>New HMO Licence</td> <td>£285 per unit of accommodation</td> </tr> <tr> <td>Licence Renewal</td> <td>£255 per unit of accommodation.</td> </tr> </table> <p>By way of example, a new licence for a HMO consisting of 5 flats will cost £1425 (£285 x 5).</p> <p>The licence fee has been calculated using a prescribed toolkit designed for this purpose, and recoups all the costs incurred by Westminster City Council in operating the licensing regime to ensure the service is cost neutral.</p> <p>Information on licence fees, the licensing process, and standards required in HMOs is provided to customers on the Council's website at; https://www.westminster.gov.uk/residential-environmental-health-private-tenants</p>	New HMO Licence	£285 per unit of accommodation	Licence Renewal	£255 per unit of accommodation.
New HMO Licence	£285 per unit of accommodation			
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The HMO licencing regime exists to ensure standards are maintained in these types of properties which historically show poorest conditions. Licencing requirements are enforced to the health and safety of occupying tenants is protected by way of the proper management and maintenance of properties. Licence holders must meet a “fit and proper” person test to hold a licence. HMO licencing brings about the raising of housing standards in the HMO sector, and the resultant benefit to the health of occupying residents. It also improves the performance of property landlords, and ensures they are aware of all their legal responsibilities in operating such properties.

Details of the lead person completing the screening/EIA

(i) Full Name: Ian Hennessy

(ii) Position: Team Manager

(iii) Unit: Residential Services, Public Protection & Licencing

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Date sent to Equalities@westminster.gov.uk

Version number and date of update

Version 1

SECTION 1: Initial screening: Do you need to complete an Equality Impact Assessment (EIA)?

Not all proposals will require an EIA, this initial screening will help you decide if your project or policy requires a full EIA by looking at the potential impact on any equality groups.

1.1 Does the project, policy or proposal have the potential to disproportionately impact on any of the following groups? If so, is the impact positive or negative?				
	None	Positive	Negative	Not sure
Disabled people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particular ethnic groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men or women (include impacts due to pregnancy/ maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People or particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?	N/A	<input type="checkbox"/>	<input type="checkbox"/>	
If the answer is “negative” or “unclear” consider doing a full EIA				
1.2 What do you think that the overall NEGATIVE impact on groups and communities will be?				
None/ Minimal		Significant		
<input checked="" type="checkbox"/>		<input type="checkbox"/>		
None or minimal impact would be where there is no negative impact identified, or where there will be no change to the services for any groups.		Significant impact would be where there is an impact is identified that has substantial impact on any groups.		
If the answer is “significant” consider doing a full EIA				

1.3	Using the screening information in questions 2.1 and 2.2, should a full EIA be carried out on the project, policy or proposal
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1.4	How have you come to this decision?

EQUALITY IMPACT ASSESSMENT

SECTION 2: BUILDING AN EVIDENCE BASE

2.1	Build up a picture of who uses/will use your service or facility and identify who are likely to be impacted by the proposal	
	<ul style="list-style-type: none"> <i>If you do not formally collect data about a particular group then use the results of local surveys or consultations, census data, national trends or anecdotal evidence (indicate where this is the case). Please attempt to complete all boxes.</i> <i>A baseline of data is available here</i> 	
	How many people use the service currently? What is this as a % of Westminster's population?	There are currently 274 licensed HMOs within Westminster. An average HMO has been approximated as containing 9 units of accommodation. Therefore, this approximates to 2,466 residents who reside in a licensed HMO. This represents roughly 1% of Westminster's current population (226,841)
	Age	There is no reliable data on the age of occupants within licensed HMOs. Anecdotally, single, younger persons aged 20-40 will typically be found in these properties. However, there are instances where older residents on protected tenancies are long-term residents of licensed HMOs
	Disability	People with disabilities are generally unlikely to live in a licensed HMO where facilities are generally shared.
	Gender	There is no evidence of people of a particular sex being more or less likely to reside in a licensed HMO.
	Race	There is no evidence of people of a particular race being more or less likely to reside in a licensed HMO.

	Religion or belief	There is no evidence of people of a particular religion being more or less likely to reside in a licensed HMO.
	Sexual orientation	There is no evidence of people of a particular sexual orientation being more or less likely to reside in a licensed HMO.
2.2	Are there any equality groups that are overrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service. Information about Westminster's population is on the Equalities page on the WIRE.</i>	
	No	
2.3	Are there any equality groups that are underrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the service may not be accessible to all groups or there may be some form of direct or indirect discrimination occurring.</i>	
	No	

SECTION 3: ASSESSING THE IMPACT

In order to be able to identify ways to mitigate any potential impact it is essential that we know what those potential impacts might be.

3.1	Consultation Information <i>This section should record the consultation activity undertaken in relation to this project, policy or proposal</i>				
	<p>No consultation has been carried out. Mandatory licencing of HMOs is a statutory duty; no consultation is required.</p>				
3.2	What might the potential impact on individuals or groups be? <i>Consider disability, race, gender, sexual orientation, transgender, age, faith or belief and those on low incomes and other excluded individuals or groups</i>				
	<p>The key potential impact will be on landlords who will be subject to the licencing regime, and will have to pay a licencing fee in order to operate their properties. However, licencing fees are a minute proportion of the expected rental income of these properties, and the impact is therefore considered minimal.</p> <p>HMO licences last for a maximum of 5 years. The current licence fees are as follows;</p> <table data-bbox="248 1263 1054 1335"> <tr> <td>New HMO Licence</td> <td>£285 per unit of accommodation</td> </tr> <tr> <td>Licence Renewal</td> <td>£255 per unit of accommodation.</td> </tr> </table> <p>By way of example, a new licence for a HMO consisting of 5 flats will cost £1425 (£285 x 5).</p> <p>The licence fee has been calculated using a prescribed toolkit designed for this purpose, and recoups all the costs incurred by Westminster City Council in operating the licencing regime to ensure the service is cost neutral.</p> <p>Information on licence fees, the licencing process, and standards required in HMOs is provided to customers on the Council's website at; https://www.westminster.gov.uk/residential-environmental-health-private-tenants</p>	New HMO Licence	£285 per unit of accommodation	Licence Renewal	£255 per unit of accommodation.
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SECTION 4: REDUCING & MITIGATING IMPACT

As a result of what you have learned, what can you do to minimise the impact of the proposed changes on equality groups and other excluded / vulnerable groups, as outlined above?

4.1	Where you have identified an impact, what can be done to reduce or mitigate the impact? (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).	
	No significant impacts have been identified as a result of this increased target for fee income from HMO licence fees.	
	Column A – Issues or barriers, things to take into account	Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).
	<i>Enter additional rows if require</i>	
4.2	Now that you have considered the potential or actual effect on equality, what action are you taking?	
	<input checked="" type="checkbox"/> 1. No major change (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.
	<input type="checkbox"/> 2. Adjust the policy	You will take steps to remove barriers or to better advance equality.
	<input type="checkbox"/> 3. Continue the policy (impacts identified)	You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.
	<input type="checkbox"/> 4. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.

4.3	Please document the reasons for your decision

SECTION 5: ACTION PLAN

This section is for actions related any of the 9 protected characteristic: Age, Disability, Gender, Gender reassignment; Pregnancy & maternity, Race, Sexual Orientation or Religion/Belief

<p>5.1</p> <p>Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.</p> <p><i>Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete.</i></p> <p>NB. Add any additional rows, if required.</p>								
	Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG	
	<i>Enter additional rows if required</i>							



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Title
6.6 Premises Licence Fee review 2016/17
What are you analysing? <ul style="list-style-type: none">• What is the purpose of the policy/project/activity/strategy?• In what context will it operate?• Who is it intended to benefit?• What results are intended?• Why is it needed?

A member of the public should have a good grasp of the proposal after reading this section.

- What is the purpose of the policy/project/activity/strategy?

A review of the premises licence fees to ensure as close to full cost recovery as possible

- In what context will it operate?

It will apply to all relevant Premises Licence fees

The licensing regimes that the Council are responsible for do allow the Council to charge a fee. Some regimes such as that for alcohol, entertainment and late night refreshment under the Licensing Act 2003 set a statutory fee that cannot be amended. Other regimes, such as that for gambling premises under the Gambling Act 2005 sets a maximum fee that can be charged but the Council can set a reasonable fee up to that maximum to recover their costs. The vast majority of regimes that the Council are responsible for do permit a fee to be set by the Council to recover its costs. These regimes are:

Animal Boarding Establishments – Animal Boarding Establishments Act 1963

Auction Premises – Greater London Council (General Powers) Act 1984, Part 6

Dangerous Wild Animals – Dangerous Wild Animals Act 1976

Dog Breeding Establishments – Breeding of Dogs Act 1973

Exhibitions (Prescribed Venues) – Greater London Council (General Powers) Act 1966

Hypnotism – Hypnotism Act 1952

Marriage Venues – Marriages and Civil Partnerships (Approved Premises) Regulations 2005

Performing Animals – Performing Animals (Regulations) Act 1925

Pet Shops – Pet Animals Act 1951

Poisons – Poisons Act 1972

Riding Establishments – Riding Establishments Act 1964

Scrap Metal Dealers – Scrap Metal Dealers Act 2013

Sex Establishments – Local Government (Miscellaneous Provisions) Act 1982

Special Treatment Premises Licences – London Local Authorities Act 1991

Sports Grounds – Safety at Sports Grounds Act 1975

Zoos – Zoo Licensing Act 1981

Timothy Hemming, owner of Simply Pleasures Ltd, led a case on behalf of various sex shops contesting the level of licence fees for sex shops charged by Westminster City Council on the basis they could not be considered reasonable. This case is being heard at the European Court of Justice

The current fees for the Licensing Act 2003 licenses are set nationally by central government. The City Council does not fully recover its costs as the delivery of the licensing function takes more resource than is able to be recovered through the national fee model. The government are committed to looking at the localisation of licence fees for the Licensing Act 2003

- Who is it intended to benefit and how?

This change will ultimately benefit Westminster council taxpayers by ensuring that the service provided by the Westminster Licensing Authority is as close to cost neutral as possible and does not

rely on money that could otherwise be allocated to other service areas.

- What results are intended?

To recover as close to full costs of service provision as possible

- Why is it needed?

To recover as close to full costs of service provision as possible, ensure the service is financially sustainable and does not rely on subsidy from other areas of council resource.

Details of the lead person completing the screening/EIA

(i) Full Name: David Hine

(ii) Position: Team Manager

(iii) Unit: Public Protection and Licencing

(iii) Contact Details: dhine@westminster.gov.uk

Date sent to Equalities@westminster.gov.uk

09.08.16

Version number and date of update

Version 1. 09.08.16

Version 2. 20.09.16

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	People on low incomes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	People in particular age groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Groups with particular faiths and beliefs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?		<input type="checkbox"/>	<input type="checkbox"/>	
If the answer is “negative” or “unclear” consider doing a full EIA					
1.2	What do you think that the overall NEGATIVE impact on groups and communities will be?				
	None/ Minimal		Significant		
	<input checked="" type="checkbox"/>		<input type="checkbox"/>		
	None or minimal impact would be where there is no negative impact identified, or where there will be no change to the services for any groups.		Significant impact would be where there is an impact is identified that has substantial impact on any groups.		
If the answer is “significant” consider doing a full EIA					

1.3	Using the screening information in questions 2.1 and 2.2, should a full EIA be carried out on the project, policy or proposal
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1.4	How have you come to this decision?
	The Licensing Service does not hold this type of data/information in relation to licence applications or licence holders to be able to demonstrate that the fee review will have the potential to disproportionately impact on any of the above mentioned following groups

EQUALITY IMPACT ASSESSMENT

SECTION 2: BUILDING AN EVIDENCE BASE

3.1	Build up a picture of who uses/will use your service or facility and identify who are likely to be impacted by the proposal	
	<ul style="list-style-type: none"> <i>If you do not formally collect data about a particular group then use the results of local surveys or consultations, census data, national trends or anecdotal evidence (indicate where this is the case). Please attempt to complete all boxes.</i> <i>A baseline of data is available here</i> 	
	How many people use the service currently? What is this as a % of Westminster's population?	
	Age	
	Disability	
	Gender	
	Race	
	Religion or belief	
	Sexual orientation	

<p>2.2</p>	<p>Are there any equality groups that are overrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service. Information about Westminster's population is on the Equalities page on the WIRE.</i></p>
	<p><i>If yes, provide details.</i></p>
<p>2.3</p>	<p>Are there any equality groups that are underrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the service may not be accessible to all groups or there may be some form of direct or indirect discrimination occurring.</i></p>
	<p><i>If yes, provide details.</i></p>

SECTION 3: ASSESSING THE IMPACT

In order to be able to identify ways to mitigate any potential impact it is essential that we know what those potential impacts might be.

<p>3.1</p>	<p>Consultation Information <i>This section should record the consultation activity undertaken in relation to this project, policy or proposal</i></p>
	<p><i>It is helpful to identify whether you have conducted any consultations for your proposal, in some cases a statutory consultation is required. If your proposal has not required a consultation, please highlight this here. Consultations will help you identify what the potential impact of your proposal might be.</i></p>
<p>3.2</p>	<p>What might the potential impact on individuals or groups be? <i>Consider disability, race, gender, sexual orientation, transgender, age, faith or belief and those on low incomes and other excluded individuals or groups</i></p>
	<p><i>Using the evidence gathered in section 2 and any consultation activity highlighted in 3.1; explain what the potential impact of your proposal might be on the groups you have identified. You may wish to further supplement the evidence you have gathered in order to properly consider the impact. Please state when no impact has been identified.</i></p>

SECTION 4: REDUCING & MITIGATING IMPACT

As a result of what you have learned, what can you do to minimise the impact of the proposed changes on equality groups and other excluded / vulnerable groups, as outlined above?

4.1	Where you have identified an impact, what can be done to reduce or mitigate the impact? (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).																	
<p>Consider what actions can be put in place to remove or reduce your identified impact(s). Record all potential actions to show you have considered all options. Please note if no mitigating actions have been identified.</p>																		
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4.2	Now that you have considered the potential or actual effect on equality, what action are you taking?																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%; text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="width: 35%; background-color: #FFFF00; padding: 5px;">5. No major change (no impacts identified)</td> <td style="padding: 5px;">Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.</td> </tr> <tr> <td style="text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="background-color: #FFFF00; padding: 5px;">6. Adjust the policy</td> <td style="padding: 5px;">You will take steps to remove barriers or to better advance equality.</td> </tr> <tr> <td style="text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="background-color: #FFFF00; padding: 5px;">7. Continue the policy (impacts identified)</td> <td style="padding: 5px;">You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.</td> </tr> <tr> <td style="text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="background-color: #FFFF00; padding: 5px;">8. Stop and remove the policy</td> <td style="padding: 5px;">There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.</td> </tr> </tbody> </table>			<input type="checkbox"/>	5. No major change (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.	<input type="checkbox"/>	6. Adjust the policy	You will take steps to remove barriers or to better advance equality.	<input type="checkbox"/>	7. Continue the policy (impacts identified)	You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.	<input type="checkbox"/>	8. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.				
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4.3	Please document the reasons for your decision

SECTION 5: ACTION PLAN

This section is for actions related any of the 9 protected characteristic: Age, Disability, Gender, Gender reassignment; Pregnancy & maternity, Race, Sexual Orientation or Religion/Belief

<p>5.1</p> <p>Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.</p> <p><i>Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete.</i></p> <p>NB. Add any additional rows, if required.</p>								
	Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG	
	<i>Enter additional rows if required</i>							

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER

SIGNATURE: Sara Sutton

FULL NAME: Sara Sutton

UNIT: Public Protection and Licensing

EMAIL & TELEPHONE EXT: ssutton@westminster.gov.uk

DATE (DD/MM/YYYY): 29/09/16

WHAT NEXT?

It is the responsibility of the service to complete an EIA to the required standard and the quality and completeness of EIAs will be monitored by EMT.

All EIAs for proposed changes to levels of service arising from budget proposals must be completed by 2 September 2016.

All completed EIAs should be sent to: Equalities@westminster.gov.uk