



Worcester
CITY COUNCIL

Private and Confidential
[Request-217211-af7db962@whatdotheyknow.com](#)

This matter is being dealt with by Tim O'Gara

on Direct Line 722019
Fax No. 01905 722370
e-mail: timothy.ogara@worcester.gov.uk

Our ref: TO/FOI/Pearsall

Date: 14 August 2014

Dear Mr Pearsall

Internal Review of FOI No 6240774

I refer to your email dated 22 July 2014 asking for a review of the above FOIA request. I have carried out a review of the original request ("the Original Request") and the response that was provided by Worcester City Council to the Original Request on 8 July 2014 ("the Original Response").

The Original Request asked for information outlining the eligibility of a person to receive housing assistance where their status in the UK is that of a "Family Member of an EEA National within the meaning of the Immigration (European Economic Area) Regulations 2006. Your request specified that you were interested in the eligibility of family members of EEA Nationals who hold the status of "Worker" / "Self Employed" and not "Self Sufficient" or "Job Seeker". Your request as for information relating to eligibility of these persons to (a) apply for housing in their own right; (b) to be named on tenancy agreements; and (c) to receive homeless assistance.

The Original Response stated that the Council holds the information requested, however the information is exempt from disclosure under section 21 of the Freedom of Information Act 2000 as the information is accessible to you by other means. The Original Response stated that the information that you had requested was widely available and that all local authorities use the same guidelines which could be found at the following website:
www.housing-rights.info

I note that there was a further exchange of correspondence with you on 9 July 2014 where you sought clarification as to the specific location of the information that you had requested on the housing rights website. You were advised that the information could be found at the following website: www.housing-right.info/02_6_EEA_family_members.php

www.worcester.gov.uk

Location: Orchard House Complex, Farrier Street, Worcester WR1 3BB

Telephone: 01905 722233 **Typetalk:** 18001 01905 722233



In your email dated 22 July 2014 you state that the Council has not responded to your request correctly and that you are certain that the Council holds information relating to this matter, including at least the government guidance code of practice for homelessness 1996.

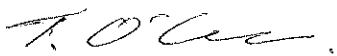
I have reviewed the Original Response that you received and I am satisfied that you have been provided with an appropriate response. The information that you have requested is widely available from other sources and on that basis, the Council refused your request. In doing so, you were directed to an appropriate publicly available resource, namely the housing rights website. In dealing with this review, I have looked at the housing rights website. This website contains a significant amount of information that deals with the rights of EEA Nationals in respect of entitlement for housing assistance. The housing officers have confirmed that this is a reliable source of information and would be one of the resources used by housing officers in their assessment of eligibility of applicants for housing assistance. The Council also holds other sources of information which are used for the assessment of the eligibility of applicants for housing assistance and this includes copies of relevant legislation and professional publications on housing law and practice. These materials are also readily available by other means. Housing officers have confirmed that there are no other materials that are held by this Council which are not readily available in the public domain. I am therefore satisfied that the response that you were given which directed you to the housing rights website and the subsequent assistance that you have received was an appropriate response to your Original Request.

Turning now to the additional points made in your email dated 22 July 2014. Firstly, as outlined above, I am satisfied that the Council has responded to your request correctly. The Council confirmed that relevant information was held and you were directed to an appropriate third party resource where that relevant information could be obtained for free. The Council is not required to provide information that is readily available in the public domain. Secondly, you refer to the government guidance code of practice for homelessness 1996. I have made inquiries of housing officers and it is my view that the document that you are referring to is the Homelessness Code of Guidance for Local Authorities published by the Department for Communities and Local Government in 2006. This document is also readily available in the public domain and therefore the Council is under no obligation to provide you with a copy.

To conclude, I am satisfied that the Original Response that you received was appropriate. The information that you requested was readily available by alternative means and you were directed to an appropriate resource where a range of information about housing assistance for EEA Nationals could be found.

If you remain dissatisfied with the handling of your request or review, you have a right to appeal to the Information Commissioner at: The Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T. O'Gara', written in a cursive style.

Tim O'Gara

Legal Services Manager