



Department for Levelling Up, Housing & Communities

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Dear Andrew

Thank you for your letter of 27 February addressed to the Secretary of State, the Rt Hon Michael Gove MP, regarding Motion 3.1 and Motion 3.8 of the London Assembly's February 2024 Plenary meeting. I am replying as the Minister responsible for this policy area.

Motion 3.1 - Voter Identification:

Whilst we can all rightly be proud of the strong and long-standing democracy we are part of, it is also important that we are alert to any weaknesses in our processes that may undermine that strength.

Photographic Identification for the purposes of voting has been a part of the electoral landscape in Northern Ireland for two decades, with electors and electoral administrators viewing it as a common-sense measure to protect the integrity of their elections. This view is replicated throughout many European countries, including France, Germany and Austria, as well as comparable democracies further afield, such as Canada, all of which require some form of identification to vote.

I have noted the Electoral Commission report on the May 2023 elections you mentioned. In November, we published a Government response to this report and the recommendations the Commission has made. This can be found here:

<https://www.gov.uk/government/publications/government-response-to-the-electoral-commissions-report-on-the-may-2023-local-elections/government-response-to-electoral-commission-report-on-may-elections>.

I am pleased with the initial rollout of the photographic voter identification policy. Data collected at the May polls showed that 99.75% of electors who attended polling stations were able to vote.

Any registered elector who does not possess any of one of the required forms of photographic identification can apply to their local authority to obtain a Voter Authority Certificate, an accepted form of identification, free of charge. This will ensure that everyone who is eligible to vote will continue to have the opportunity to do so.

With regards to the Assembly's calls for awareness raising we support any communications which inform electors of the voter identification requirements and the availability of the Voter Authority Certificate.

In line with its statutory duty to raise public awareness of all elements of the democratic process, including changes made to it, to ensure voters can participate, the Electoral Commission is again running a fully integrated voter identification communications campaign ahead of the next set of scheduled polls in May, alongside its established Register to Vote campaign.

In addition, local authorities will be conducting their own local engagement and communications to raise awareness, supported by the resources and partnership packs produced by the EC.

Motion 3.8 - Private Sector Developers in Barking & Dagenham

Local authority building control bodies already have powers that enable them to intervene where it is found that the Building Regulations have been breached.

For offences committed prior to 01 October 2023, Section 35 of the Building Act 1984 allows building control authorities to take action against persons who have breached the regulations. In these instances, Section 35 imposes a penalty of a fine not exceeding level 5 on the standard scale. These prosecutions must be brought in the Magistrates Court within two years of the offence.


As a result of changes made by the Building Safety Act 2022, Section 35 has been enhanced. For offences committed after 1 October 2023, the new provision replaces the existing summary-only, fine-only offence in section 35 of the Building Act 1984 (penalty for contravening building regulations), making it triable in the Magistrates Court or the Crown Court, and also providing for imprisonment as a possible sentencing option - for the maximum term of imprisonment permitted in a magistrates' court i.e. 12 months, or an unlimited fine. If tried in the Crown court, the maximum penalty will be an unlimited fine and/or two years' imprisonment.

The substituted version of section 35 also increases the maximum daily fine for non-payment of the original fine (imposed by either Court) from £50 to level 1 on the standard scale (currently £200).

In addition, new section 35(1) expands the existing offence of contravening building regulations so that it also covers requirements imposed under building regulations; for example, requirements imposed at the time of granting building control approval, such as provision of revised plans.

The Building Safety Act also amends section 36 of the Building Act 1984 (notice requiring rectification of non-compliant work) to extend the time limit during which rectification in respect of a contravention of building regulations can be required from twelve months to 10 years.

Thank you for writing on this important matter. I hope the above is helpful.

Appeal is well.


SIMON HOARE MP
Minister for Local Government