



Northern Ireland

Local Government Commissioner for Standards

Local Government Act (Northern Ireland) 2014

In the Matter of former Councillor William Walker

**Adjudication Determination of the Northern Ireland Local Government
Commissioner for Standards - Margaret Kelly**

**Ref: 202002719 & 202006011
(Newry Mourne & Down District Council)**

Legal Assessor - Michael Wilson, Solicitor

By virtue of section 55(1)(a) of the Local Government Act (NI) 2014, the Northern Ireland Local Government Commissioner for Standards ('the Commissioner') may investigate a written allegation made by any person that a Councillor (or former Councillor) has failed, or may have failed, to comply with the Northern Ireland Local Government Code of Conduct for Councillors ('the Code').

Background

1. On 22 February 2022 the Police Service of Northern Ireland (PSNI) arrested Councillor William Walker ('the Councillor') on suspicion of child grooming.
2. On 17 April 2023 and 11 May 2023, the Councillor was convicted of two counts of attempted communication with a person under 16 years for the purpose of obtaining sexual gratification.
3. On 21 June 2023 the Court gave the Councillor an Enhanced Combination Order to include a 100 hours Community Service Order, a 3 year Probation Order, a 5 year Sexual Offences Prevention Order, and he was placed on the Sex Offenders Register for 5 years.
4. On 19 May 2022 Mr Sean Higgins made an allegation to my office that the Councillor had, or may have, failed to comply with the Code.
5. On 3 December 2023 Mr Gerard Doyle made a similar allegation.

The Investigation

The authority to investigate alleged breaches of the Code has been delegated by me to the Deputy Commissioner (Sean Martin) with the support of the Local Government Ethical Standards (LGES) Team within my Office. The Deputy Commissioner is solely responsible for receiving, assessing and, where appropriate, investigating an allegation about a failure to comply with the Code.

I have no role in the receipt, assessment or investigation of an allegation of a breach of the Code, and I am not involved in a decision by the Deputy Commissioner to refer a matter for adjudication.

The Deputy Commissioner's investigation concluded that the circumstances giving rise to the allegations against Councillor Walker were likely to point to a breach of paragraph 4.2 of the Code, which states:

'You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.'

and also the Public Duty Principle:

'You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you.'

The Deputy Commissioner referred his Investigation Report to me on 2 February 2024, requesting that I consider holding an Adjudication. Having considered the Investigation Report, I informed Councillor Walker and the Deputy Commissioner on 14 February 2024 of my decision to adjudicate on this matter.

Although, as appears below, Councillor Walker is no longer a councillor, I refer to him throughout as Councillor Walker or the Councillor.

Pre-hearing Review

On 12 April 2024, I held a Pre-Hearing Review (PHR) which was a private administrative meeting to determine procedural matters for the ongoing management of the Adjudication.

The arrangements for the PHR were notified in advance to Councillor Walker and the Deputy Commissioner. The Councillor did not attend but, having taken into account the content of his e-mails to me dated 26 February 2024 and 11 March 2024, I decided that it was appropriate to hold the PHR in his absence.

At the PHR I confirmed that I would deal with Stage 1 (the Finding of Fact) and Stage 2 (whether on the facts found there had been a Breach of the Code) of the Adjudication on paper and without holding an Adjudication Hearing. This was for the following reasons:

1. I have a general discretion under paragraph 10 of the Adjudication Procedures to adopt a procedure that is appropriate in the circumstances to provide fairness to the Councillor whilst respecting the public interest.
2. The allegations of a breach of the Code in this matter arise from the Councillor's criminal convictions on 17 April 2023 and 11 May 2023. The central narrative of this matter was therefore relatively concise.
3. The Councillor informed me (in his e-mails dated 26 February 2024 and 11 March 2024) that he did not wish to contest the matter and hoped that the Adjudication could proceed without his involvement in view of his personal circumstances. He also stated that he would not be appointing any legal representative.
4. Although the Councillor had outlined his wish that the Adjudication should proceed without his input, he remained entitled to engage with the Adjudication at every stage, and I was obliged to ensure that the process was fair to him. Accordingly, I considered that it was appropriate that I should provide him (and the Deputy Commissioner) with my draft Findings of Fact (Stage 1) and my conclusion of any Breach of the Code (Stage 2) for his comment before these would be finalised.
5. A further PHR would be scheduled, if required, to address any issues arising from this process.

STAGE 1 - FINDINGS OF FACT

Having considered the contents of the Investigation Report, I determined the following facts:

1. The Councillor served as a member of Down District Council from 2005. He then served as a member of Newry, Mourne and Down District Shadow Council from May 2014 until March 2015. From 1 April 2015 he served as a member of Newry, Mourne and Down District Council.
2. The Councillor was a member of Newry, Mourne and Down District Council at the time of the offences.
3. The Councillor signed a Declaration of Office on 4 May 2019 in which he agreed to observe the Code.

4. The Councillor attended Code of Conduct training on 17 June 2019 provided by Council officials.
5. The Code was in effect when the conduct complained of occurred.
6. The Councillor was arrested on 22 February 2022 in County Down on suspicion of attempting to meet a child following sexual grooming.
7. The Councillor was suspended from the Democratic Unionist Party on 25 February 2022.
8. The Councillor was charged on 22 August 2022 with two counts of attempting to meet a child following sexual grooming, and two counts of attempted contact with a child.
9. The Councillor resigned as a councillor on 21 October 2022.
10. The Councillor pleaded guilty on 17 April 2023 to an allegation that between 10-15 February 2022 he intentionally attempted for the purpose of obtaining sexual gratification to communicate with 'Sammy Jo', contrary to Article 3(1) of the Criminal Attempts and Conspiracy (NI) Order 1983 and Article 22A of the Sexual Offences (NI) Order 2008. He was convicted of this offence on the same date.
11. The Councillor pleaded guilty on 11 May 2023 to an allegation that between 10-23 February 2022 he intentionally attempted for the purpose of obtaining sexual gratification to communicate with 'Daisy May', contrary to Article 3(1) of the Criminal Attempts and Conspiracy (NI) Order 1983 and Article 22A of the Sexual Offences (NI) Order 2008. He was convicted of this offence on the same date.
12. On 21 June 2023 the Court sentenced the Councillor. It imposed an Enhanced Combination Order to include a 100 hours Community Service Order, a 3 year Probation Order, a 5 year Sexual Offences Prevention Order, and the Councillor was placed on the Sex Offenders Register for 5 years.
13. The Councillor's conviction and sentence was widely reported in the media and the media reports noted his membership of the Council.
14. On 19 May 2022 a written allegation was received by the Northern Ireland Local Government Commissioner for Standards from Mr Sean Higgins alleging that the Councillor failed to comply with the Code.
15. On 3 December 2023 Mr Gerard Doyle made a similar allegation.
16. The Councillor stated at interview with the LGES team on 10 August 2023:

“...I’m not just, have I let myself down (sic). I’ve let my party, my party colleagues down big time. I’ve let my colleagues down from other political parties within Newry, Mourne and Down council and that’s something that I will regret for the rest of my life”,

and although he stated that *‘I brought maybe (sic) shame on the Council’,* he did not believe that he had brought his Council into disrepute.

STAGE 2 – DETERMINATION ON BREACH

The evidential test for consideration of my findings of fact is whether the Deputy Commissioner had established to my satisfaction on the ‘balance of probabilities’ that there had been a failure to comply with the Code.

In reaching my decision on whether Councillor Walker failed to comply with the Code, I took into account the Guidance on the Code published by my office¹. Having considered all of the evidence I concluded as follows:

1. The Code of Conduct applied to the Councillor.
2. Councillor Walker had failed to comply with Paragraph 4.2 of the Code:

“You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute”.

The Guidance on the Code (Page 17 p. 4.5.4) states that when considering whether a councillor’s actions or behaviour could reasonably be regarded as bringing their position, or their council, into disrepute, the Commissioner will assess:

- a. *whether that conduct is likely to diminish the trust and confidence the public places in your position as councillor, or your council, or is likely to result in damage to the reputation of either; and*
- b. *whether a member of the public – who knew all the relevant facts – would reasonably consider that conduct as having brought your position as a councillor, or your council into disrepute.”*

I was satisfied that, taking the facts as a whole and, given the serious nature of the sexual offence convictions and the sentences imposed, Councillor Walker’s conduct would inevitably diminish the trust and confidence the public placed in his position as councillor.

¹ <https://nipso.org.uk/site/wp-content/uploads/2018/02/Guidance-for-Councillors-from-the-Northern-Ireland-Commissioner-for-Complaints-April-2017-2-1.pdf>

The Guidance explains that a councillor's actions, whether as a councillor or in their private life, have the potential to adversely impact on their position as a councillor or their council. In particular, the Guidance refers to *'conduct that results in a criminal conviction, such as a conviction for fraud or assault'*.

The Guidance also indicates that a finding of disrepute requires the conduct in question to be serious in nature, and the nature of the criminal conduct in this case clearly met this requirement.

Furthermore, Councillor Walker accepted at interview that his actions and subsequent criminal conviction brought his position as a Councillor into disrepute. He stated:

"...I've not just, have I let myself down. I've let my party, my party colleagues down big time. I've let my colleagues down from other political parties within Newry, Mourne and Down council and that's something that I will regret for the rest of my life".

It is beyond doubt that a member of the public, knowing all of the relevant facts in this case, would reasonably consider that the Councillor's conduct was such that it brought his position as a Councillor into disrepute.

3. I was also satisfied, applying the same consideration and analysis, that the Councillor had breached the Public Duty Principle:

"You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you."

4. I separately considered the impact of the Councillor's arrest and conviction on the Council and whether the Councillor's breach of the Code had brought the Council into disrepute, noting:

1. The media reporting of these events identified Councillor Walker as a member of the Council at the time of the events which gave rise to his convictions.
2. Councillor Walker remained a member of the Council in the period following his arrest (on 22 February 2022), his suspension by the DUP (on 25 February 2022) and after being charged (on 22 August 2022).
3. Councillor Walker resigned on 21 October 2022.
4. At interview, Councillor Walker stated that by his actions he *'maybe'* brought shame on the Council.

The Councillor's behaviour was repugnant to common decency. It was widely reported, as was his membership of the Council. Although, his criminal behaviour was not directly linked to his position as a Councillor, I was satisfied that his actions brought his role as a councillor and the Council into disrepute.

The nature of Councillor Walker's convictions clearly fell within the category of serious misconduct. The media reporting of his convictions drew attention to his membership of the Council, and in my view, the public's knowledge of these convictions and their attendant circumstances was likely to have diminished public confidence and trust in the Council.

STAGE 3 - SANCTION

Arrangements for Hearing

1. Although Councillor Walker had outlined his wish that the Adjudication should proceed without his input, he remained entitled to engage with the Adjudication at every stage, and I was required to ensure that the process was fair to him.
2. Accordingly, on 7 May 2024 I sent Councillor Walker and the Deputy Commissioner my proposed determination of Stages 1 and 2 of the Adjudication.
3. I convened a further PHR on 10 May 2024, the arrangements for which were notified in advance to the Councillor and the Deputy Commissioner. Although Councillor Walker was not present, I again took into account his prior correspondence with my office and I was satisfied that it was appropriate to proceed with the Review.
4. In view of my Findings of Fact, and my determination that Councillor Walker had breached the provisions of Paragraph 4.2 of the Code and the Public Duty Principle, I confirmed my intention to hold a Hearing on Sanction.
5. The Adjudication Procedures state that a Sanction Hearing will usually be in the form of a public hearing. The underlying requirement is to ensure that the Adjudication is fair and that my decision making is transparent. Before deciding on the form of the Sanction Hearing, I therefore considered the following:
 - a) In view of my Findings of Fact and Breach, and the relatively concise background to the matter, including the Councillor's convictions and his admissions to Investigators, I asked myself if it would be more appropriate and or a more proportionate use of my limited resources to deal with Sanction on paper.
 - b) Whether or not I held a public hearing, my full written Decision covering all stages of the Adjudication would be published on the NIPSO website.
 - c) I took into account a number of personal issues affecting former Councillor Walker.

- d) I also took into account that Councillor Walker was unrepresented and he had informed me that he did not intend to seek representation.
 - e) The wider public interest in holding a public hearing.
6. Having considered all of these matters, I confirmed my intention to hold a public hearing on 24 May 2024 to determine Sanction. I was not persuaded that the Councillor's personal issues required otherwise, and I was satisfied that, with the assistance of my Legal Assessor, I could manage a Sanction Hearing to ensure that his interests were properly safeguarded.
 7. I also took into account that the nature of the activities of the Councillor were such that the public would reasonably expect that I should convene a Hearing to determine Sanction. I concluded that were I not to hold a public Hearing this could diminish trust and confidence in the Adjudication process and, more broadly, in the operation of local government and the accountability of Councillors.
 8. I reminded Councillor Walker of his ongoing entitlement to engage in the Adjudication, including the right to seek legal advice and representation and to furnish me with any other material that he considered relevant to Sanction. In addition, I facilitated Councillor Walker's attendance by enabling him to attend the Sanction Hearing either in person or remotely via a secure on-line platform.

Sanction Hearing 24 May 2024

The Deputy Commissioner attended in person. However, as Councillor Walker was not present, either in person or on the on-line platform, I carefully considered if it was appropriate to continue the Sanction Hearing in his absence. In coming to my decision to proceed with the Hearing, I took account of the following:

1. In his e-mail dated 26 February 2024 Councillor Walker stated:

'Thanks for the update and can I inform you that due to my [personal circumstances] I will not be appointing a solicitor for my adjudication. As I am not contesting the claims against me I hope it can proceed without my input.'

and, in an e-mail dated 11 March 2024 Councillor Walker informed me:

'Thanks for your email I feel it would be detrimental to my current [circumstances] doing a live stream. Surely it can proceed without my input. Sorry if this is an inconvenience.'

2. As Councillor Walker was unrepresented, I had ensured that he was kept informed at all Stages of the Adjudication, including the outcomes of the two PHRs, the arrangements for this Sanction Hearing and he was reminded of his ongoing right to participate and or to be represented.
3. Councillor Walker had been provided with a copy of my decision on the Facts and Breach of the Code and he was given the opportunity to furnish any comment he wished to make. He had also been invited to make submissions on Sanction. However, he has not responded in either case.
4. On 22 May 2024 Councillor Walker reconfirmed to me by e-mail that he would not be attending the Sanction Hearing either in person or remotely, nor would he be legally represented.
5. I was satisfied that the Councillor was aware of the Sanction Hearing, and that, in all the circumstances, it was appropriate to proceed in his absence. In my view, this would not be unfair to Councillor Walker given his stated position that he did not intend to participate in the Adjudication.
6. My Legal Assessor, whose function is to ensure that the Adjudication, including the Sanction Hearing, is conducted fairly, advised me that this was an appropriate course of action in all of the circumstances. He also reminded me that I must continue to have regard to Councillor Walker's Article 6 ECHR rights to a fair process until the Adjudication was concluded.

Submissions on Sanction

The Deputy Commissioner provided me with written submissions on Sanction dated 18 May 2024. Councillor Walker did not submit any information relevant to my consideration of Sanction.

Decision on Sanction

My overall approach to sanction is set out at Paragraph 3 of the Sanctions Guidelines² which states:

"The Commissioner's consideration of the sanction decision in any case will be based on her view that the principal purpose of sanction is the preservation of public confidence in local government representative. Her decisions on sanction will also aim to uphold the following objectives: the public interest in good administration; upholding and improving

² <https://www.nipso.org.uk/sites/default/files/2023-05/sanctions-guidelines-june-2016.pdf>

the standard of conduct expected of councillors and the fostering of public confidence in the ethical standards regime introduced by the 2014 Act."

I carefully considered the Deputy Commissioner's submissions and the Sanction Guidelines.

It is important to reiterate the importance of preserving public confidence in local government representatives. The legitimate purpose of the Code is to outline and to secure high standards of conduct by elected councillors. It follows that the purpose of a sanction is also to preserve confidence in local government representation.

In this case, I also had regard to the following mitigating and aggravating factors:

Mitigating factors:

1. Councillor Walker had no history of any prior breach of the Code;
2. He had served for a relatively long period in office as a councillor (since 2005) which provided some evidence of previous good service and compliance with the Code;
3. Councillor Walker had cooperated with the Investigation and Adjudication processes;
4. He had stated that he did not wish to contest the claims against him and, although he was not present at the Sanctions Hearing, he had provided an explanation for his absence;
5. Councillor Walker had expressed a degree of remorse for his actions acknowledging that he had let down himself, his party and his Council colleagues.

Aggravating factors:

1. There had been an intentional failure to comply with the Code;
2. Councillor Walker had received two Convictions for attempted communication with a person under 16 years for the purpose of obtaining sexual gratification;
3. The sexual offences for which Councillor Walker had been convicted fell squarely into the category of serious misconduct;
4. Conduct of this type could reasonably be expected to attract significant public disapproval;
5. By his actions, Councillor Walker had brought both his position as a councillor and his council into disrepute.

Any sanction must be justified in the wider public interest and should be designed to discourage or prevent future failings to comply with the Code or to discourage similar conduct by other Councillors. I reminded myself that the purpose of Sanction was not to punish Councillor Walker, and that the Sanction that is imposed must be the least severe available in all the circumstances to meet the justice of the case.

The available sanctions are set out in Paragraph 68 of the Adjudication Procedures:

1. **No action** - this was not an appropriate sanction in this case where the breach of the Code was grounded on conduct that was both criminal and deliberate.
2. **Censure** - would only be appropriate where the breach of the Code was relatively minor in nature, and this was clearly not an appropriate sanction in view of my findings.
3. **Suspension** (including partial suspension) - was not available as a sanction because Councillor Walker was no longer a Councillor.
4. **Disqualification** was the most severe option open to me. The maximum period of disqualification is 5 years.

I considered that the aggravating factors in this case so greatly outweighed the mitigating factors that disqualification was the only sanction that could be imposed to ensure the preservation of public confidence in local government and to reflect the severity of the case. The imposition of this sanction was not intended to punish Councillor Walker, rather it was required to highlight the seriousness of his breach of the Code and the Public Duty Principle, and to discourage any similar conduct on the part of others.

In coming to this conclusion, I had regard to paragraphs 19(g) and (h) of the Sanctions Guidelines. It was clear that Councillor Walker's conduct fell squarely within these provisions, and that his conduct both brought his Council into disrepute and rendered him unfit for public office:

19(g) "Bringing the council into disrepute. Where the Commissioner finds that the [Councillor's] conduct has brought the council into disrepute, she will consider whether the extent of reputational damage to the council is so serious as to warrant a disqualification."

19(h) "If the conduct giving rise to a failure to comply with the conduct is such as to render the [Councillor] entirely unfit for public office, then disqualification is the likely and appropriate sanction."

Outcome

I disqualify Councillor Walker for a period of 5 years from becoming a Councillor, which is effective from the date of this decision. This is the maximum period of disqualification that can be imposed. This period of disqualification is consistent with the principle set out at paragraph 3 of the Sanctions Guidelines (referenced above) and with other decided cases

involving local government councillors who were also convicted of crimes of a sexual nature – see those relating to *Brian Duffin*³ and *Ian Stevenson*⁴. In summary:

1. Councillor Duffin was convicted of sexually assaulting a teenage girl. He received a suspended prison sentence and was placed on the Sex Offenders Register for 7 years. He was disqualified for 5 years.
2. Councillor Stevenson was convicted of sexually assaulting a work colleague. He was sentenced to 220 hours' Community Service and was placed on the Sex Offenders Register for 5 years. He was disqualified for 4 years, but this took into account that he had also been suspended for an interim period during the course of the investigation.
3. In this case, Councillor Walker was sentenced to 100 hours of Community Service, he received a 3 year Probation Order, and was placed on the Sex Offenders Register for 5 years.

Taking everything into account, I am satisfied that a disqualification for 5 years is merited in view of the egregious nature of the breach of the Code in this matter.

This will preclude Councillor Walker from running in the next local Government elections, which are due to be held in May 2027. However, in light of my conclusion that he is unfit for public office, I do not consider that the period of disqualification will have a disproportionate effect on him, as any lesser period would not meet the public interest in this case.

Leave to Appeal

Pursuant to section 59 (14) of the Local Government Act (Northern Ireland) 2014, Councillor Walker may seek the permission of the High Court to appeal against this decision, which must be made within 21 days of the date that he receives written notice of the Commissioner's decision.

Margaret Kelly

Northern Ireland Local Government Commissioner for Standards

12 June 2024

³ <https://www.nipso.org.uk/sites/default/files/2023-05/C00324-Final-Decision-Duffin-30.06.21-002.pdf>

⁴ https://www.nipso.org.uk/sites/default/files/2023-05/C00356-Commissioners-written-decision_former-councillor-ian-stevenson.pdf