



**23 August 2023**

**MEDIA RELEASE**

### **MIDLOTHIAN COUNCILLOR CLEARED OF ALLEGED BREACH OF COUNCILLORS' CODE**

Midlothian Councillor, Bryan Pottinger, was found not to have breached the Councillors' Code of Conduct at a Hearing held in Dalkeith on 23 August 2023. The allegation was that Cllr Pottinger behaved disrespectfully and had harassed a female councillor by making an inappropriate comment about her underwear during a verbal exchange between them at a local event.

Helen Donaldson, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found both the Complainer (the female councillor) and Respondent, Cllr Pottinger, to be credible and reliable witnesses. Having heard from various other individuals who had been at the event, the Panel was unable to conclude, on balance, that it was more likely than not that Cllr Pottinger had made the comment as alleged. A breach of the Code therefore could not be found."

The Panel noted that various witnesses had testified to the Complainer being upset after the conversation and agreed this served, to support her version of events. The Panel nevertheless noted that the only witness who had overheard the conversation between Cllr Pottinger and the Complainer was clear in her testimony on oath before the Panel that Cllr Pottinger had not mentioned the Complainer's underwear. Given this and the fact that the Panel was unable to choose between Cllr Pottinger's and the Complainer's versions of events, it was unable to conclude, on balance, that it was more likely than not that Cllr Pottinger had made the comment as alleged. The Panel considered it was possible the Complainer had misheard what was said.

Ms Donaldson stated: "The Panel was in no doubt that the allegations before it were serious, and would have amounted to a breach of the Code. However, in light of the evidence presented at the Hearing, the Panel did not find the complaint to be established on the balance of probabilities."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 14 working days.

ENDS

**NOTES FOR EDITORS**

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: [info@ethicalstandards.org.uk](mailto:info@ethicalstandards.org.uk), <https://www.ethicalstandards.org.uk/> Tel: 0300 011 0550
2. The [Standards Commission for Scotland](#) is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The [Codes of Conduct](#) outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland's 32 Local Authorities.