

# Midlothian councillor cleared of breach over coffee machine 'small talk'

A senior councillor accused of making an 'inappropriate' comment to a young council worker has been cleared of breaching any standards after his words were ruled 'small talk'.

Councillor Bryan Pottinger allegedly told the woman, who was stripping coffee sachets from a rod at the time, that she had a "good hand action" while alone with her in a committee room.

A Standards Commission hearing at Midlothian Council headquarters today heard the woman, who was described as a shy and quiet member of the workforce, was left 'uncomfortable' describing the comment as 'sexual' in its nature.

However Councillor Pottinger insisted he was trying to be friendly towards a young member of staff he felt was 'vulnerable' adding: "How can anyone think there was anything sexual about a coffee machine?"

And the Standards Commission panel agreed clearing him of any breach.

Morag Ferguson, Standards Commission Member and Chair of the Hearing Panel, said: "While the Panel was satisfied that the council employee had understood Cllr Pottinger to have intentionally made an inappropriate remark towards her, that

left her feeling uncomfortable and distressed, the Panel considered Cllr Pottinger to be a credible and reliable witness.

“The Panel accepted his evidence that he had not intended any comment as a sexual reference and, instead, was simply making small talk.”

The hearing was told the alleged incident happened on March last year as the worker, who was referred to as Ms A, replenished the coffee machine in a committee room at the Dalkeith headquarters.

She said the councillor came into the room to make himself a coffee as she stripped the coffee sachets.

She demonstrated how the rods were stripped holding one end firmly in one hand with the other going back and forward along it to strip the individual sachets.

Giving evidence from behind a screen Ms A, 23, who had worked at the council for four years, said: “Bryan said to me ‘you have got good hand action’. His tone was trying to be sneaky with it.

“I did not see it as a compliment at all, the way he said it seemed more sexual than a compliment.”

The hearing was told Ms A was seen moments later by her supervisor who described her as ‘dazed’.

She said: “She was like a lost sheep, when she told me what the councillor had said I was shocked.

“I took it to mean ‘you are good at w\*\*\*ing’. Growing up it is what we would have said.”

Councillor Pottinger however insisted he had told the young worker she was doing a good job and had ‘fast hands’.

He said he was taken aback when told a complaint had been made and by the way his comment had been perceived.

And he said he had offered to apologise to Ms A if he had caused her upset or she had misunderstood his comments insisting 'hand' and 'hands' were two very different things.

Mr Pottinger, who has been a councillor on and off over 19 years in Midlothian confirmed he told investigators following the complaint that Ms A was 'quiet, shy and maybe a little naive' which he explained meant 'not worldly'.

He told the hearing he could only explain her version of what was said by her 'mishearing him'.

Councillor Pottinger also claimed that other senior people involved in the reporting of the incident were aware of a previous hearing against him in 2022 when he was accused of making inappropriate comments about an opposition councillor's bra.

He was not found to have breached any part of the code of conduct after that hearing but said, while he accepted Ms A had not heard about the case he believed others who supported her had.

He said: "Some staff were acting frosty towards me after the previous hearing."

By Marie Sharp Local Democracy Reporter