



Commissioner for Ethical Standards in Public Life in Scotland

Councillor Kelly Parry
Midlothian Council
Midlothian House
40-46 Buccleuch Street
Dalkeith
EH22 1DN

Reference: LA/Mi/2084/Office

15 January 2018

Dear Councillor Parry

Public Standards: Councillors' Code of Conduct
Complaint by Councillor Pauline Winchester

I refer to recent correspondence giving details of a complaint against you.

I enclose copy of a letter I have sent to Councillor Winchester, the terms of which are self-explanatory.

Should you have any queries please contact the Investigations Manager telephone 0300 011 0550 or email investigations@ethicalstandards.org.uk.

Yours sincerely

P/P

Bill Thomson
Commissioner

Enc.

Commissioner for Ethical Standards in Public Life in Scotland

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Councillor Pauline Winchester
Midlothian Council
Midlothian House
40-46 Buccleuch Street
Dalkeith
EH22 1DN

Reference: LA/Mi/2084/Office

16 January 2018

Dear Councillor Winchester

Public Standards: Councillors' Code of Conduct **Complaint against Councillor Kelly Parry**

Introduction

I refer to recent correspondence giving details of your complaint against Councillor Kelly Parry ("the respondent") a member of Midlothian Council ("the Council") about an alleged breach of the Councillors' Code of conduct ("the Code"). This relates to her alleged failure to declare remuneration during a Council debate.

The Statutory Background

The powers of the Commissioner for Ethical Standards in Scotland ("the Commissioner") are set out in the Ethical Standards in Public Life etc. (Scotland) Act 2000 ("the Act"). The Act provides the legal basis for me, as Commissioner, to investigate alleged breaches of the Code.

Not all aspects of a councillor's conduct are covered by the Code. The purpose of the Code is to seek to regulate certain specified aspects (sections 3 to 7 and Annex C of the Code) of individual conduct by councillors. Whilst section 2 of the Code sets out Key Principles these are for interpretation only and do not themselves amount to conduct obligations which can be regulated.

I have to consider whether or not to accept your complaint for full investigation. My statutory power to do so is set out in section 12(1) of the Act which specifies that it is for me to decide "whether, when or how" to carry out any investigation.

In making such an assessment, I consider (first) the subject matter of the complaint in question and if it appears at first sight that, if all or part of the conduct complained about is established to have been committed by that member, whether it might amount to a breach of any relevant provision or provisions; (second) whether or not it is in the public interest to investigate it, taking account of any consequences which arose from the alleged conduct; (third) whether or not a more relevant or appropriately regulatory or judicial

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councillors nominated by the Council to serve on other, including joint, bodies by virtue of being a councillor. The Code indicates that a Joint Committee which is composed entirely of councillors does not raise any issue of declaration of interests in regard to council business. It is of course the case that a councillor may make a voluntary declaration of interest, which would not be a Code obligation.

Conclusion

My evaluation of the respondent's conduct, taking account of the information you have provided and the context and terms of the Code, is that the respondent's particular actions do not amount to misconduct. They did not conflict with the extent of her conduct obligations and cannot amount to a breach of the Code provisions.

Accordingly, I must dismiss your complaint. I am passing a copy of this letter to the respondent for information.

I am now closing the file.

Should you have any queries please contact the Investigations Manager telephone 0300 011 0550 or email investigations@ethicalstandards.org.uk.

Yours sincerely

Bill Thomson
Commissioner

cc. Councillor Kelly Parry