

13/05/2014

Title: Statement regarding IPCC investigation into Avon and Somerset Police C..

Avon and Somerset Police and Crime Commissioner Sue Mountstevens said: "Following a number of serious allegations of inappropriate behaviour towards female officers and staff by the Chief Constable Nick Gargan, I have decided to refer the matter to the Independent Police Complaints Commission (IPCC) who will now conduct an independent investigation.

"Due to the public interest in the case and to protect the integrity of the investigation I have decided to suspend the Chief Constable while the independent investigation is carried out.

"Deputy Chief Constable John Long will act up temporarily as Chief Constable and all officers and staff have been informed of this decision.

"I would like to assure the communities of Avon and Somerset that the Constabulary remains a high performing force. Both police officers and staff are committed to ensuring the area remains a safe place to live, work and visit."

13/10/2014

Title: Police and Crime Commissioner receives IPCC report

In May 2014 allegations made about the conduct of Chief Constable Nick Gargan were referred by the Police and Crime Commissioner Sue Mountstevens to the Independent Police Complaints Commission. Since then it has been conducting an independent investigation into those allegations.

The investigation has now concluded and a report has been provided to the Police and Crime Commissioner. The report will now be considered carefully and a decision taken on whether or not to refer the matter to misconduct proceedings.

The Police and Crime Commissioner has 15 working days – until Monday November 3rd – to make a decision. Chief Constable Nick Gargan currently remains suspended and John Long will continue as acting Chief Constable.

31/10/2014

Title: Statement on IPCC investigation into Chief Constable Nick Gargan

Attributed to Police and Crime Commissioner Sue Mountstevens:

“Following the conclusion of the IPCC’s investigation into allegations in relation to the improper disclosure of information and inappropriate behaviour towards women, made about Chief Constable Nick Gargan, I was provided with the IPCC’s report and had 15 working days to make a decision on whether or not to refer the matter to misconduct proceedings.

“The IPCC put forward a number of recommendations regarding Nick Gargan. In accordance with those recommendations, I have made the decision there is a case to answer for gross misconduct and therefore I will refer the allegations to a misconduct hearing in front of an independent misconduct panel. I will not be involved in the misconduct panel.

“The misconduct panel will consist of a leading counsel from a Home Office agreed list, who will act as Chair of the Panel, Her Majesty’s Chief Inspector of Constabulary or another HMIC inspector of constabulary nominated by him and an independent member of the public.

“The members of the panel will decide if the allegations are proven or not and will present their recommendations to me. I will ensure that these recommendations are made public.

“The exact timing of the misconduct panel will depend on various factors, however it will take place as soon as possible, hopefully in the next few months.”

15/04/2015

Title: Chief Constable’s misconduct hearing adjourned

The misconduct hearing into allegations made against Chief Constable Nick Gargan, scheduled to take place next week, has been adjourned.

The Chair of the misconduct panel, Dorian Lovell-Pank QC, has adjourned the misconduct hearing in order to address disclosure issues.

A preliminary hearing will be held on Friday April 24<sup>th</sup> in front of the misconduct panel of Dorian Lovell-Pank QC, Her Majesty’s Inspector of Constabulary Wendy Williams and independent member John Rickard. A date has not yet been set for the full misconduct hearing.

The Police and Crime Commissioner will continue to work with the Panel and the other parties to progress this case as quickly as possible in accordance with the procedural requirements set out under the relevant regulations.

24/04/2015

Title: Date set for Chief Constable's misconduct hearing

Chief Constable Nick Gargan's misconduct hearing will begin on Monday June 29<sup>th</sup> it was decided at a preliminary hearing earlier today (Friday April 24th).

The hearing was held to address disclosure issues which needed to be settled before the full misconduct hearing could be held. The proceedings were overseen by the Chair of the misconduct panel, Dorian Lovell-Pank QC, who listened to representations about whether some documents could be disclosed and made the necessary directions to the legal teams.

It means that the Chair set a date for the full hearing which will now begin on Monday June 29<sup>th</sup> and he directed that ten days should be set aside for the case to be heard.

An independent panel including the Chair, Her Majesty's Inspector of Constabulary Wendy Williams and independent member John Rickard will hear the case and provide their findings in a report to the Police and Crime Commissioner to help inform her decision on the outcome of the proceedings.

09/07/2015

Title: Panel finds Avon and Somerset Chief Constable guilty of misconduct

A misconduct panel has today (Thursday, July 9) found Avon and Somerset Chief Constable Nick Gargan guilty of eight charges of misconduct.

The Chief Constable faced 10 charges of gross misconduct, three charges of misconduct and has been found guilty of eight at a level of misconduct.

Chair Dorian Lovell-Pank QC will now write a report of the panel's findings and will recommend any sanctions the Chief Constable should face under police regulations.

Police and Crime Commissioner Sue Mountstevens will hold a sanction hearing with the Chief Constable following receipt of the panel's report.

On the basis of the panel's findings Chief Constable Nick Gargan's suspension has today been lifted. A phased return to work is being prepared for after the sanction hearing.

27/07/2015

Title: PCC outlines next steps in Chief Constable misconduct proceedings

Avon and Somerset Police and Crime Commissioner Sue Mountstevens today outlined the procedure to be followed in the Chief Constable's misconduct proceedings.

She said: "The misconduct process is not yet complete. I'm waiting for the misconduct panel's report, when I receive that I will hold a further hearing with the Chief Constable to determine his sanction.

"I have read the open letters from the staff associations and I am listening to the views of residents. The whole procedure for police misconduct is strictly regulated. Like all judicial processes when proceedings are not complete it is not possible to discuss or comment upon them until they have been finalised.

"In the meantime Chief Constable Nick Gargan will not be returning to work in Avon and Somerset. However he will be carrying out some national work with the National Police Chiefs Council."

Following the sanction hearing Sue Mountstevens will publish the misconduct panel's report, the cost of the proceedings and her decision on her website.

06.08.2015

Title: Date set for Chief Constable Nick Gargan's sanction hearing

Avon and Somerset Chief Constable Nick Gargan's sanction hearing with Police and Crime Commissioner Sue Mountstevens will take place on Wednesday August 19.

The sanction hearing follows an independent misconduct panel finding the Chief Constable guilty of eight counts of misconduct and recommending a sanction of eight final written warnings.

Police and Crime Commissioner Sue Mountstevens said: "Today I received the independent misconduct panel's report which means I can now hold a sanction hearing with the Chief Constable. It has been agreed with all parties that Wednesday August 19 is the soonest most practicable date the sanction hearing can take place. The report is 90 pages long and I am considering the panel's views and recommendations thoroughly ahead of the sanction hearing."

The misconduct panel's report recommends the sanction of eight final written warnings.

19/08/2015

Title: PCC starts process for Chief Constable Nick Gargan's resignation

Today Avon and Somerset Police and Crime Commissioner Sue Mountstevens began the process to require the Chief Constable Nick Gargan to resign from his post.

Sue Mountstevens used powers under the Police Reform and Social Responsibility Act (section 38) to progress the procedure calling upon the Chief Constable 'to resign or retire,' due to a lack of confidence by local people, police officers and staff in his position as leader of Avon and Somerset Constabulary.

It follows an independent misconduct panel finding Chief Constable Nick Gargan guilty of eight counts of misconduct last month. In a report to Police and Crime Commissioner (PCC) Sue Mountstevens, the independent misconduct panel recommended the highest sanction available for misconduct of eight final written warnings. Sue Mountstevens followed their recommendations in a sanction hearing held this morning.

In a separate meeting with Chief Constable Nick Gargan held after the sanction hearing, PCC Sue Mountstevens outlined her intentions to progress section 38.

Sue Mountstevens said: "Chief Constable Nick Gargan has let down the colleagues he led and the communities he was there to protect.

"He abused his position by forwarding confidential emails, interfering with a proper recruitment process and sending, receiving and storing intimate images on his police issue phone.

"As the Chief Constable, Nick Gargan should have led by example and demonstrated the highest levels of integrity, values and professional behaviour. Instead he has shown flawed judgement and been found guilty of eight counts of misconduct including two of discreditable conduct.

"From what I have seen and heard, he has lost the confidence of local people, police officers and staff. Over the last six weeks since the panel's findings concerns have been raised to me by the Chief Officer Group, Superintendents Association, Police Federation and Unison about Nick Gargan continuing to lead Avon and Somerset Constabulary.

"I believe that there is now a detrimental impact on the efficiency and effectiveness of him leading Avon and Somerset Constabulary, which is why I have today initiated the process to require him to resign. This is a separate process from the misconduct procedure and I will be writing to Her Majesty's Chief Inspector of Constabulary Sir Thomas Winsor to seek his views."

In their report to PCC Sue Mountstevens the independent misconduct panel raised concerns about the Independent Police Complaints Commission's (IPCC) handling of the investigation.

Sue Mountstevens added: "The main issue was the disclosure of relevant materials and statements from IPCC investigators including unused material, to the defence. The legal advice was unequivocal that the defence are entitled in law to un-redacted copies of relevant material. I fully understood the IPCC's reluctance to disclose identities and some of the associated information. I was equally concerned with the welfare of witnesses throughout this process.

"I believe the IPCC acted with good intentions to protect and support witnesses and not betray the confidence of those that did come forward, but clearly the way they managed the process in this case has caused concern, as any failure to follow the disclosure process could have led to the proceedings being compromised or worse still collapsing. The disclosure process needs to be reviewed by the IPCC so it is clearer for all concerned in future investigations and I will be writing to the IPCC Chair Dame Anne Owers to request this."

Following today's announcement Chief Constable Nick Gargan has been suspended. Acting Chief Constable John Long will continue to lead Avon and Somerset Constabulary. Following John Long's retirement at the end of August, Deputy Chief Constable Gareth Morgan will take over on a temporary basis as Chief Constable.

02.10.15

Title: Next steps in process requiring Chief Constable Nick Gargan to resign

Avon and Somerset Police and Crime Commissioner Sue Mountstevens has received a response from Her Majesty's Chief Inspector of Constabulary Sir Thomas Winsor following her initiation of the process requiring Chief Constable Nick Gargan to resign.

In his reply, following careful consideration of the detailed evidence Sir Thomas supports the Police and Crime Commissioner's decision to initiate the process requiring the Chief Constable to resign, as set out in the Police Reform and Social Responsibility Act 2011, section 38.

The Police and Crime Commissioner (PCC) has now shared the report and her original correspondence to Sir Thomas with Mr Gargan and she has given him 14 days to make his written representations.

When the PCC receives a response from Mr Gargan, the next stage will be for her to make a formal statutory decision whether to continue the process requiring the Chief Constable to resign.

If the PCC decides to continue the process she will notify the Police and Crime Panel and Mr Gargan of her decision. The Police and Crime Panel will then hold a private hearing in which they can call on the PCC and Mr Gargan to make oral representations.

The Police and Crime Panel are required to make a recommendation to the PCC which she must have regard to when making her final decision on whether to require the chief Constable to resign.

12.10.15

### **Next stage requiring Chief Constable resignation**

Avon and Somerset Police and Crime Commissioner Sue Mountstevens has today made a formal statutory decision to require Chief Constable Nick Gargan to resign as set out in the Police Reform and Social Responsibility Act 2011.

The latest stage in the process requires the Police and Crime Commissioner (PCC) to notify the Police and Crime Panel and the Chief Constable by a formal statutory decision to use section 38 of the Police Reform and Social Responsibility Act 2011.

The Police and Crime Panel have six-weeks from today (October 14) to hold a private hearing in which they can call on the PCC and Mr Gargan to make oral representations.

The Police and Crime Panel is required to make a recommendation to the PCC which she must have regard to when making her final decision on whether to require the Chief Constable to resign.

On Friday, September 25, the PCC received a letter from Her Majesty's Chief Inspector of Constabulary Sir Thomas Winsor, supporting her decision to initiate the process requiring the Chief Constable to resign.

In his view a Chief Constable without the confidence of his officers and staff risked the efficiency and effective running of the Constabulary.

16.10.2015

Title: PCC accepts Chief Constable resignation

Avon and Somerset Police and Crime Commissioner Sue Mountstevens has today accepted the resignation of Chief Constable Nick Gargan with immediate effect.

Mr Gargan will leave his position as the Chief Constable of Avon and Somerset with three-month's salary in lieu of notice as the terms of his contract state.

Police and Crime Commissioner Sue Mountstevens said: "I have accepted Mr Gargan's resignation with immediate effect. I think this is in the best interests of the Constabulary, and residents. It also means that the protracted and lengthy section 38 process will end immediately and no further legal expense will be incurred.

"I have agreed to pay Mr Gargan three-month's salary in lieu of notice as the terms of his contract state. This was not a decision I took lightly and I have considered it very carefully however in order to bring the legal proceedings to a close this is the most cost effective outcome. It also means that I can begin the process of recruiting a new Chief Constable as soon as possible and the organisation can move on.

"Temporary Chief Constable Gareth Morgan will continue to lead the Constabulary while a recruitment process takes place. I would like to thank Gareth for his leadership and the valuable contribution he makes to the organisation."

On August 19, Sue Mountstevens initiated the process to require Mr Gargan to resign as set out in section 38 of the Police Reform and Social Responsibility Act 2011. This followed concerns from within the Constabulary, residents and retired police officers that Mr Gargan had lost the confidence of the organisation and those he was there to serve after being found guilty of eight counts of misconduct in July.

On September 25, the PCC received a report from Her Majesty's Chief Inspector of Constabulary Sir Thomas Winsor, supporting her decision to initiate the process requiring the Chief Constable to resign. In his view a Chief Constable without the confidence of his officers and staff risked the efficiency and effective running of the Constabulary.

03.11.15

Title: Statement from PCC Sue Mountstevens following House of Commons adjourn..

Avon and Somerset Police and Crime Commissioner Sue Mountstevens said: "I continue to be frustrated at the expense and length of time this process has taken. I started the process to require Chief Constable Nick Gargan to resign following concerns from all levels of the police service that he had lost their confidence after being found guilty of eight counts of misconduct.

"I then consulted with Her Majesty's Chief Inspector of Constabulary Sir Thomas Winsor who carefully considered all the evidence and supported my decision to initiate the process requiring the Chief Constable to resign. In his view a Chief Constable without the confidence of his officers and staff risked the efficiency and effective running of the constabulary.

"In his reply Sir Thomas stated that I was put in an invidious position and in his view the approach I have taken is appropriate in these circumstances. At every stage I have followed the highly regulated process set by Parliament and MPs and I have acted in the best interests of the Constabulary and residents.

"I strongly support the comments made by Temporary Chief Constable Gareth Morgan following the House of Commons adjournment debate. I feel it is very unfortunate that individual officers and staff were wrongly identified as part of the debate in Parliament and I am extremely concerned about the welfare of staff who have been unnecessarily drawn into this.

"The continued allegations being made by Ian Liddell-Grainger MP are completely inappropriate and incorrect. I am very disappointed that having been told that this is the case, Mr Liddell-Grainger is choosing not to retract his comments."