

29th July 2022
FOI930 CON-32999/RM

Sent via email [REDACTED]

Dear [REDACTED]

RE: FREEDOM OF INFORMATION REQUEST – FOI930 CON-32999

On the 17th June 2022 you made a Freedom of Information Request to Avon and Somerset Police. This was then transferred to the Police and Crime Commissioner's (PCC's) office on the 15th July 2022 to provide an answer. The PCC's office have now completed the search for the information which you requested on the 15th July.

Your request:

I would like a copy of this previous press release. It has been removed from your website.

<https://www.avonandsomerset-pcc.gov.uk/ARCHIVE-2012-April-2016/News-and-Events-2012-Apr-2016/News-archive-2015/Aug/PCC-starts-process-for-Chief-Constable-Nick-Gargans-resignation.aspx>

Along with any other material made public around CC Nick Gargan's disciplinary process and resignation.

Our response:

The contents of the press release requested have been copied in bold as below:

'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.'

We do routinely remove news stories from our website after 12 months. We have identified other relevant press releases relating to your request and have attached these in a separate document. Whilst this information is held on our Vuelio media contacts database, we do not have the facility to confirm that this information has been published. However, we know from our internal processes that it was likely this information was added to our website. Therefore this information is being provided to you in order to assist you with your request.

If you have any queries about this letter then please contact me, quoting the reference number above in any future communications.

If you are unhappy about how your request has been handled and wish to make a complaint or request a review of the decision then you should write to:

The Chief Of Staff
Avon and Somerset Police and Crime Commissioner's Office
Valley Road
Portishead
Bristol
BS20 8JJ

Please note, Avon and Somerset Police and Crime Commissioner's office provides you with the right to request a re-examination of your case under its review procedure. The appeals document is attached for your reference.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by Avon and Somerset Police and Crime Commissioner's office. The Information Commissioner can be contacted at: <http://ico.org.uk/>.

Yours sincerely,

Freedom of Information Officer

Avon and Somerset Police and Crime Commissioners Office