



# AVON AND SOMERSET CONSTABULARY

[www.avonandsomerset.police.uk](http://www.avonandsomerset.police.uk)

## Legal Services Directorate, Police Headquarters

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Our ref: STR1-20/SAD/HM

Your Ref:

Date: 11 March 2011

BY EMAIL AND HAND DELIVERY

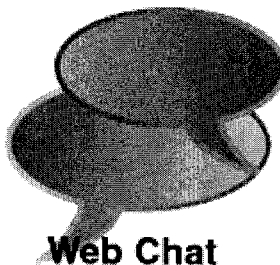
Dear Sir

Defamatory statements on "Mogg the Blog"

I act of behalf of Colin Port, the Chief Constable of Avon and Somerset Police (hereafter "the Chief Constable"). I write in connection with defamatory statements published by you on 10<sup>th</sup> March 2011.

You operate a blog (<http://www.liddellgrainger.org.uk/ian/MOGGTHEBLOG.html>) known as "Mogg the Blog". On 10<sup>th</sup> March 2011, you published the following statement on the said blog:

March 10th 2011



Life's tough for the Chief Constable of Avon and Somerset Police. He has to scrape along on £151,000 per year and only claims a meagre bonus of £16,000 extra. This, presumably, enables him to afford the best quality eyewash. He was sloshing about in the stuff the other day - droning on to his officers about the "wonders" of SAP and South West One.

Transcript from Thursday 17 February 2011, internal web chat with Chief Constable Colin Port

Legal Services

Q: "Please can you give your personal view of the value to the organisation of SAP, is it fit for purpose? I can say on behalf of rank and file officers who have used it regularly that it is a time wasting, ineffective and extremely confusing system, are you aware of this?"

Colin: That is your opinion which you are entitled to. There is no doubt that there have been some glitches with SAP and those are fundamentally to do with because we failed to realise the impact of the complexity of police regulations, staff conditions and payments and shifts had upon this piece of software which is used by many many local national and international companies very successfully.

Q: "What lessons have been learned after the disastrous implementation of the SAP system?"

Colin: I don't think the implementation of it was disastrous I think what we did learn or what we have learnt is that SAP is a straightforward system complicated by police regulations, staff terms and conditions and shifts. We should have tried harder to ensure that SAP understood this. It clearly didn't.

Q: "We all are aware of the importance of making efficiency savings - however, in resources we operate systems which are not fit for purpose and performance is appalling. As a result, our SAP Task flow increases because we can't process quickly enough because we have too many, this impacts on performance yet gain. To catch up we have to do this on overtime before the whole process starts again. When are we going to get systems which are fit for purpose?"

Colin: I appreciate your frustration with some of our legacy systems and the interaction with SAP. We are working through this and actively pursuing technical solutions but I do appreciate the frustrations and believe me there are good people working on this.

.....  
Mr Port has become one of the chief apologists for SAP and South West One, sounding more like an IBM salesman than a senior public servant. But then he is on the board of South West One. And conflicts of interest don't appear to bother him.

**medacs**

His daughter, so I understand, is involved with this specialist company which supplies forensic medical services to many police forces. Most limit themselves [sic] to three or five-year contracts. Only Avon & Somerset constabulary has a six-year contract. Keep it in the family!

Your publication contains the following false statements:

- (1) First, that the Chief Constable's salary is £151,000 per annum. It is not. It is £148,000 per annum.

- (2) Second, that the Chief Constable claims a bonus of £16,000 per annum. He does not – it is awarded by the Avon and Somerset Police Authority and, moreover, he has waived his bonus (as is made clear in the very web-chat you have chose selectively to quote from).
- (3) Third, that he was pretending to cry in the course of the web-chat – i.e. falsely pretending to show sympathy or empathy in relation to the issues raised.
- (4) Fourth, that the Chief Constable's daughter is involved with Medacs. The Chief Constable's daughter has no involvement whatsoever with Medacs.
- (5) Fifth, that the Avon and Somerset Constabulary has a six-year contract with Medacs. This is untrue: the Constabulary has a three year contract with Medacs, with an option to renew the contract on an annual basis for a further three years.
- (6) Sixth, that only Avon and Somerset Constabulary has such a contract with Medacs (other forces limiting themselves to 3-5 year contracts). This is untrue – Dyfed – Powys Police, for example, have exactly the same contractual arrangements in this regard with Medacs: a 3 year term, reviewable on an annual basis for a further 3 years.
- (7) Seventh, that the Chief Constable was involved in the awarding of the contract to Medacs. This is untrue: he was not.

Read as a whole, your publication is highly defamatory of the Chief Constable. In particular, in without limitation of the claims that will be made if proceedings for libel are issued against you, it contains the following defamatory statements of the Chief Constable:

- (1) In the course of the web-chat the Chief Constable displayed fake sincerity about financial issues;
- (2) It was improper for Medacs to be awarded a contract by the Avon and Somerset Constabulary because the Chief Constable's daughter was involved with Medacs;
- (3) The reason that a six year contract was awarded to Medacs by the Avon and Somerset Constabulary was because the Chief Constable's daughter was involved with that company;
- (4) The Chief Constable was improperly involved in the award of the contract to Medacs when he knew that there was a conflict of interest in being so involved;
- (5) The Chief Constable improperly secured a more beneficial contract for Medacs because his daughter was involved with Medacs; and
- (6) The Chief Constable has acted dishonestly and corruptly.

These statements are entirely false and defamatory of the Chief Constable and your publication of them has caused and will continue to cause harm, damage and distress to the Chief Constable. Please therefore take the following action:

- (1) First, remove the words complained of, as set out above, from the said blog within 24 hours from your receipt of this letter;
- (2) Second, by return of letter confirm that there will be no repetition of the words complained of;
- (3) Third, publish on the blog an apology to the Chief Constable in respect of your publication of the words complained of above, again within 24 hours of your receipt of this letter. The apology should state as follows:

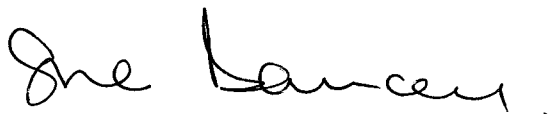
"An apology

On 10<sup>th</sup> March 2011 I published false and inaccurate statements concerning the Chief Constable of Avon and Somerset Police, Mr Colin Port. These concerned a web-chat in which he had engaged and the award of a contract by Avon and Somerset Police to Medacs. I am happy to correct the record and confirm that these statements were false and inaccurate and to apologize to Mr Port for the distress and harm caused."

The Chief Constable reserves his position in relation to your defamatory publication referred to above, including reserving the right to bring a libel claim for substantial damages.

Separately, the Chief Constable is surprised that you failed to take the simple step of contacting him before you published these defamatory statements in order to check their accuracy. If you had done so, you would been able to see that the defamatory statements you have made were false. As it is I am writing to you now after the event, because the Chief Constable was not given the opportunity to comment on your statement before it was published. Such conduct is particularly surprising in view not only of the extremely serious allegations that you make, but also having regard to your position as a Parliamentarian.

Yours faithfully

A handwritten signature in black ink, appearing to read "Sue Dauncey". The signature is written in a cursive, flowing style.

Sue Dauncey  
Head of Legal Services Department