

CARLISLE CITY COUNCIL

Report to:- **REGULATORY PANEL**

Date of Meeting:- 8th February 2012

Agenda Item No:-

Public		Operational	Delegated Yes	
Accompanying Comments and Statements			Required	Included
Cumbria Fire Service			No	No
Cumbria Constabulary			Yes	Yes
Environmental Services			No	No
Mr Hymers			Yes	Yes
Mr Bell			Yes	Yes

Title:-	BULENT CELIK - HACKNEY CARRIAGE DRIVER - COMPLAINT REFUSAL TO TAKE A DISABLED PASSENGER IN A WHEELCHAIR & POLICE REPORT
Report of:-	DIRECTOR OF GOVERNANCE
Report reference:-	GD08/12

Summary:

A complaint has been received from a member of the public in which he alleges that Mr Celik, a Hackney Carriage driver, refused to convey his mother, a wheelchair user and himself from the Court Square taxi rank. In addition Cumbria Constabulary has lodged a complaint regarding a number of incidents.

Recommendation:

To reach a decision from the options available, after assessing the evidence contained in the two witness statements, the Police representations and any response from Mr Celik, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Witness Statements Stephen Hymers ,Ian Bell and police report, copies of which are attached.

To the Chairman and Members of the Regulatory Panel 8th February 2012

NAME Bulent Celik
DATE OF BIRTH 36yrs
ADDRESS Delagoa Street, Carlisle.

1. LICENSING HISTORY

- 1.1 Mr Celik was first granted a Hackney Carriage driver's licence in September 2009, accompanied by a warning letter from the Licensing Office regarding 2 motoring convictions committed in 2008. **(Appendix 1).**

Offences / Complaints after that include:

- 13/08/10 Taxi driver complained that whilst at the front of the rank Mr Celik declined to convey member of the public to Bannatynes. Mr Celik denied this.
- 15/08/10 Taxi driver complained that whilst on the rank Mr Celik refused to carry passenger to Delagoa Street. Another driver conveyed the passenger. Mr Celik stated that the passenger was racist and declined to take him.
- 20/12/10 Taxi driver complained that when Mr Celik was at the front of the rank he refused to convey female passenger to North Street. The female was then taken by another taxi driver. Mr Celik denied this and was verbally warned regarding this complaint and other similar complaints and if proved would appear before Regulatory Panel.
- 26/03/11 Taxi driver complained that Mr Celik, who was at the front of the rank, had refused to convey three females from Court Square rank to AMF Bowling. The taxi driver challenged Mr Celik who was aggressive. He was given a verbal warning.
- 24/06/11 Taxi driver complained that Mr Celik was cherry picking fares on the taxi rank. He had refused to convey female to Currock stating that she was drunk. The driver who conveyed the female stated that she was not drunk. Further verbal advice given to Celik.
- 27/10/11 Mrs B complained that Mr Celik had used abusive language and had slammed the brakes on his vehicle causing injury to her after she questioned the fare. Mr Celik denied this stating that Mrs B was drunk. Police confirmed that Mrs B had been drinking therefore no further action was taken.

2. BACKGROUND TO COMPLAINT

- 2.1 On Friday 16th December 2011, Mr Hymers and his disabled mother (who was in a wheelchair) approached Court Square taxi rank and stopped at the first wheelchair accessible taxi in the line, where the driver refused to convey them. This incident is being dealt with as a separate complaint.
- 2.2 As a result of the above Mr Hymers and his mother then approached the second wheelchair accessible taxi in line driven by Mr Celik (**Appendix 2**). Mr Hymers states that Celik just remained sitting in the driver's seat of his taxi without making any attempt to assist them and kept pointing to the taxi in front that had already refused them.
- 2.3 Because of Mr Celik's refusal to convey them, Mr Hymers and his mother were then forced to request assistance from the third wheelchair accessible taxi in line driven by Mr Ian Bell. Mr Bell challenged the two drivers who had refused to assist Mr Hymers and his mother and his statement is included in this report (**Appendix 3**).
- 2.4 Mr Bell then conveyed Mr Hymers and his mother to their home address.

3. INVESTIGATION

- 3.1 On 28th December 2011 Mr Celik attended the Civic Centre regarding the complaint. When asked to explain his actions he stated that he couldn't pick up the two passengers because the taxi in front of him was parked in the wheelchair access bay. He also stated that he would never discriminate against a wheelchair user and that he did speak to Mr Hymers and his mother. It was explained that Ian Bell and Mr Hymers statements contradict this explanation.
- 3.2 In December 2011 PC Alasdair Wright of Cumbria Constabulary contacted the Licensing Office about police concerns as to an unusually large and increasing amount of calls for service from Mr Bulent Celik and more disturbingly about him. PC Wright has prepared a report regarding these issues which can be viewed at (**Appendix 4**). The dates of the incidents are shown at the beginning of each report (DDMMYY)
- 3.3 As a result of the report forwarded by PC Wright, Mr Celik was again invited to attend the Civic Centre to read and make comment on the content of the police report. Mr Celik stated that whilst working as a taxi driver he has recently assisted the police during a crime enquiry and is surprised at such a report. Mr Celik stated that when persons hire his vehicle to take them to a location and then refuse to pay or make off, they are committing offences which only the police can deal with. He does not take the law into his own hands.
- 3.4 Mr Celik was informed that the above incident as well as the police report would be referred to the Regulatory Panel for a decision.

4. LEGISLATION

- 4.1 Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a District Council may suspend or revoke a Hackney Carriage Drivers Licence on a number of grounds.

Section 61 (1) (b) gives the ground of 'for any other reasonable cause' (**Appendix 5**).

5. RECOMMENDATION

To reach a decision from the options available, after assessing the evidence contained in the two witness statements, the Police representations and any response from Mr Celik, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

6. OPTIONS

1. Take no further action
2. Issue Mr Celik with a verbal or written letter of warning.
3. Suspend his Hackney Carriage driver's licence for a period of time.
4. Revoke his Hackney Carriage driver's licence.

Prepared by

F Watson
Licensing Officer

**CARLISLE
CITY COUNCIL**



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APPENDIX 1

Legal & Democratic Services

Director of Legal & Democratic Services: J M Egan LLB

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Website www.carlisle.gov.uk

Mr B Celik
Botchergate
Carlisle
Cumbria
CA1 1SN

Enquiries to: Licensing Officer
Direct Dial: 01228 817523
Date: 8 October 2009

Dear Mr Celik

Granted with warning

This licence has been granted to you after taking into account your 2 motoring convictions committed in 2008 and the associated 6 penalty points on your licence.

I must warn you therefore that should there be any further offences, or indeed any other matters regarding the breach of the conditions or byelaws attached to your Hackney Carriage Drivers Licence, it may be necessary for you to appear before the Regulatory Panel where the options available to the members include the suspension or revocation of your licence.

Yours sincerely

Licensing Manager

CARLISLE CITY COUNCIL

COPY

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement ofSTEPEN HYMERS

Age if under 18 ...'Over 18'..... (if over 18 insert 'over 18')

This statement consisting of ... 2..... pages all signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 20TH..... day of ...DECEMBER 2011.....

Signature S HYMERS.....

At about 3pm Friday 16th December 2011 my mother Mary 62yrs and self walked to the taxi rank at Court Square to get a taxi. My mother is disabled and was in a wheelchair.

The first taxi on the rank was a blue coloured taxi the plate showed H198 and as I pushed my mothers wheelchair to the side door of the taxi the driver shook his head and shouted that his ramps weren't working. That's all he did and so I wheeled my mother to the second taxi on the rank and on reaching it the driver just kept pointing to the first taxi and just kept sitting in the vehicle without moving.

We were then forced to walk further down the rank to about the fourth taxi. The driver got straight out and first shouted at the other two taxi drivers stating that they should have taken my mother and self. He then placed the wheelchair in his vehicle and conveyed us to our home address.

I will say that we had shopping with us, a bulky box and bags and I was surprised the way the first two drivers dealt with us. I wish to complain about the way we were dealt with by these two drivers who just blanked us.

It is difficult enough for my mother getting around in a wheelchair and when something like this happens it does upset her and she is made to feel to be an inconvenience.

Signature ...S HYMERS..... Signature witnessed by F Watson

CARLISLE CITY COUNCIL

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement ofIAN BELL

Age if under 18 'Over 18'..... (if over 18 insert 'over 18')

This statement consisting of pages all signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 21st..... day of ...DECEMBER 2011

Signature I BELL.....

I am Ian Bell and I am employed by Beeline Taxi's as a Hackney Carriage Driver licensed by Carlisle City Council. The vehicle I drive is a black TW200 wheelchair accessible taxi.

At about 3pm Friday 16th December 2011 I was sat in my vehicle at the Court Square Taxi rank and my vehicle was fourth in line. I observed a male person walk towards the front vehicle on the rank and he accompanied a lady in a wheelchair.

They appeared to attempt to obtain access to the taxi which was parked in the wheelchair access bay, but after a few seconds they then walked down to the second vehicle on the rank. Again I noticed they did not get access to that vehicle which was a wheelchair accessible taxi and they then proceeded further down the rank to my own vehicle, obviously because it was wheelchair accessible.

I asked the male and female why they hadn't got access to the first two wheelchair accessible taxis and I was informed the driver of the first taxi had told them his ramps were broken and the driver of the second taxi had just blanked them.

I then asked Malcolm Shields the driver of the first taxi why he had not picked up the male and female and he just dismissed me saying that his ramps were broken.

I then spoke to the taxi driver of the second vehicle that had not allowed the couple access. This was a driver I know as Bulent Celik. He refused to take them because Shields hadn't taken them and shortly after that he picked up a fare and drove off.

I did assist the male and female into my vehicle and conveyed them to their home address. During the journey I could tell they were upset as to the way they had been treated by the first two taxi drivers mentioned above.

Shields was driving his licensed wheelchair accessible vehicle plate no: H198 and Celik was driving his licensed wheelchair accessible taxi plate no: H145

Signature ...I BELL..... Signature witnessed by F Watson

**BULENT CELIK-
CALLS FOR SERVICE**

021010– BC reporting male in vehicle trying to smash his window (partition). Police attended – dispute over fare, male got irate at being locked in vehicle until police arrived. (PC2006)

231110 – BC reporting thought female gave him £20, so gave change to that effect, then realised it was £10 and wants change back. Civil matter.

121210 BC reporting following fare in Longtown who hadn't paid. Not found –no complaint.

301210 – BC asking for assistance – people trying to attack him and smash his windows. Meter said £7.10 but he wanted more & locked them in.

020111– BC reporting fare not paid and entered house in Albert St, Longtown. Civil matter.

120211 – BC reporting 3 customers fighting in his taxi. Female arrested sec4. Initial dispute over fare/clean up after sandwich filling spilt in taxi. BC advised by police re conduct antagonising situation. (PC1947)

020311– BC reporting. Something about a fare, a seatbelt, braking for an ambulance. Called again and cancelled police.

100411– BC reporting two males refusing to pay fare in Wigton. Relative paid on police attendance.

220411– BC reporting male & female fare arguing over price. Stated fare being racist. Police attended – not racist incident.

220411– BC reporting to police in Wigton that fare refusing to pay. Resolved at scene by police – fare paid.

070511– BC reporting Orton Rd male into house not paying fare. Civil matter.

140511– BC reporting person sick in cab and refusing to pay. Civil matter.

220511– BC reporting fare into house without paying. Civil matter.

260511– BC reporting female in taxi refusing to pay. Civil matter.

230611– A Taxi Driver reporting being harassed by several Turkish drivers, trying to get him off the rank by making his life hell. CELIK identified as part of group. Caller too scared to make a complaint.

250611 – Male ringing obo BC reporting problems with 5-6 passengers at Tesco, Victoria Viaduct. Dispute over fare to Bradford/Bolton? Police attended and another taxi used. Fares stated they had paid £40 deposit – BC refuted this. Civil matter. Email from PCSO in attendance re aggressive and argumentative attitude of BC. States attitude towards male officer better than to female officer.

110811 – BC reporting fare gone into house at Todhills without payment. Civil matter (PC1138)

180811– BC reporting fare failing to pay, threatening to get mate to come beat BC up. Caller rang again and cancelled police as fare paid.

(APPENDIX 4)

020911 – BC reporting two fares refusing to pay. Fares bel'd they had been given a sub-standard service and refused to pay full amount. Civil matter.

awaited police. Not racist incident. PC1564 dealing and started to look at BC and calls for service.

161011 – Female reporting taxi driver (BC) slamming on brakes bursting her nose open. She had wanted him to collect her son but he wouldn't. Pizza thrown about in cab. Dispute over fare etc (PC1992/7626) (see complaint 27/10/11)

261111 – Brampton – two young females reporting pre-agreed fare of £20 Carlisle to Brampton. When got there he (BC) wanted £32. Locked them in the cab. Both said they were afraid of this man. Police intervened and resolved - £20 paid. Bad attitude towards female officer. (PC1421 – intel)

031211 MOP on Hebden Avenue reporting taxi driver outside demanding money. 6 minutes later BC reports he is at Hebden Ave to collect unpaid fare due from female taken to Orton Road. BC had initially seized her shoes, handbag and mobile phone in lieu of payment. These were subsequently returned but there was £20 and 15 cigarettes outstanding. (see email from PC1225 with full picture)

031211– BC reporting four males in cab being racist and attacking him. 4 males had paid up front for journey Carlisle to Gaitle Bridge o/s Longtown. When they queried his speed (xs of 60mph up Scotland/Kingstown Road – 30mph limit) he was sarcastic back. One of the fares asked him where he was from and if he could make as much money in his own country and if so why was he here. BC took this as racist. He refused to take them beyond Longtown, locked them in the cab and

PART II, 1976 ACT.

SECTION 61.

SUSPENSION AND REVOCATION OF DRIVERS' LICENCES.

(1) Notwithstanding anything in the Act of 1847 or in any part of this Act, a District Council may suspend or revoke or (on application therefore under Section 46 of the Act of 1847 or Section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a Hackney Carriage or a Private Hire vehicle on any of the following grounds:-

- (a) that he has since the grant of the licence:-
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or
- (b) any other reasonable cause.
- (2) Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the District Council the driver's badge issued to him in accordance with Section 54 of this Act.
- (b) If any person without reasonable excuse contravenes the provisions of this Section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the standard scale.
- (3) Any driver aggrieved by a decision of a District Council under this Section may Appeal to a Magistrates Court.

NOTE.

The above section is as amended by the Criminal Justice Act 1982.