

Car Parks

Operators' Liabilities and Responsibilities

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An Operator's Responsibilities



- Common law duties
 - Safe place of work
 - Safe plant and equipment
 - Safe systems of work
 - Competent fellow employees

These have been codified/supported by Statute Law

An Operator's Legal Duties and Liabilities



- Health & Safety at Work etc Act 1974
 - Employees
 - Third Parties
- Regulatory Reform (Fire Safety) Order 2005
- Occupiers' Liability Acts 1957 & 1984
 - Visitors to the premises
- Liability for Injury, Loss or Damage:
 - Injury to Employees
 - Third Parties – Injury to Persons
 - Third Party – Damage to Property

- Breach of legal duty
 - Improvement Notice
 - Prohibition Notice
 - Prosecution (leading to fines)
 - *Prosecution under Corporate Manslaughter Act*
- Breach of Common Law duties
 - Civil Claim for Damages
- Brand Damage – the uninsured loss
 - Loss of Reputation

What does the Operator control?



- Hazard and resultant Risks
 - In the workplace i.e. facing employees
 - In the premises i.e. faced by users/public
- But not.....
 - Who is injured...
 - The extent of their injuries.....
 - The costs of the claim...
 - The size of any uninsured losses

- Unfenced edges
- Lighting
- Structures & Surfaces
 - Falling Objects
 - Stairs and Steps, Ramps, slippery surfaces etc
- Barriers
- Pedestrians & Vehicles
- Security

- If they are there – people will fall over them!
- Car parks have open sides, low walls, ramps etc
 - Falls cost money
- Case Study:
 - Falls cost money....
 - £250,000
 - £500,000
 - £1,000,000

- Sufficient/Appropriate levels of lighting
- Important:
 - Where building design leaves dark areas
 - During winter months
 - Especially important on Stairs and Steps
- Also impacts on user security/wellbeing
- Must be maintained

- Structures
 - State of repair
 - Falling “objects”
- Stairs, Steps and Ramps
 - Design & Maintenance
 - State of repair
- Water/Snow/Ice:
 - Need to clear or warn
- Bird Droppings:
 - Can be significant cause of slipping

Case Studies:

- What fell? How big? Who did it hit? Are they dead?
- Stood on “island” around petrol pump; it crumbled, ankle injury which failed to heal properly – 28 year old (£350k)
- Tripped over grill/grating; pre-existing knee problems, replacement may result in amputation – 57 year old (£200k)
- Slipped on puddle on petrol station forecourt; Film Director fractured knee (£1.25m reduced to c £500k)
- Bird Droppings; Judged to be a nuisance (on Appeal)
Wandsworth vs Railtrack







- Rise & Fall
- “Swinging”, Goal Post Type
- Case Studies:
 - Hit on head by descending barrier; Brain injury, £423k damages
 - Asda:
 - Cardiff (2001); Barrier swung into car – Fatal; Fined £225k
 - Prior events:
 - Bristol (2001);
 - Bloxwich (1999); Fined £9k
 - Cheltenham Hospital (2006); Hit on head, fell, struck head
 - Vinci/Bromley (2002); Height restriction barrier – Fatal; Fined £18k

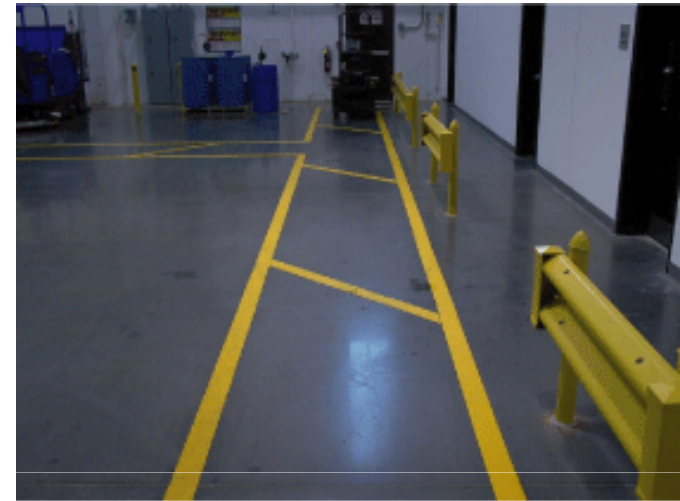
Barriers



- Segregation
- Marked walkways & crossing points
- Barriers at doorways/entrances
- Vehicle circulation
- Vehicle speed
 - Limits, Signs etc
 - Controls - Humps/Sleeping Policemen etc

<http://www.hse.gov.uk/workplacetransport/index.htm>

Managing Workplace Transport



- Supervision, Attendants etc
- Lighting
- CCTV

Thank you
Any Questions?