

# Tyre firm fined after worker dragged into machine

An Essex-based tyre refurbishment company has been fined £54,000 following a worker sustaining significant injuries after being drawn into a machine.

Neal Hetherington was working for D&D Commercial Services Limited at its premises on Lamson Road in Rainham, when the incident happened on 19 August 2021.

The company, which specialises in commercial tyre re-treading, was given the fine as a result of the 42-year-old coming into contact with the spinning blades of a tyre buffing machine. The machine had been freewheeling to a stop after being used, when he was drawn into it by his t-shirt, which resulted in part of his torso being shredded.

Mr Hetherington required immediate hospital treatment for his injuries and was off work for several months afterwards.



Moveable tyre buffing machine arm with orange rasp covers open

An investigation by the Health and Safety Executive (HSE) found that D&D Commercial Services Limited had failed to ensure that the hold-to-run controls were working as they should, and that the brake on the bladed rotating rasp was operational. The brake should have stopped the rasp moving immediately on letting go of the controls, but in fact, would continue to freewheel for approximately five minutes before coming to rest.

HSE prosecuted D&D Commercial Services under Section 2(1) of the Health and Safety at Work etc. Act 1974 for its failure to ensure the health, safety, and welfare of its employees. The company did not enter a plea.

The court found the company guilty following a hearing at Westminster Magistrates Court on 4 September 2024. They were fined £54,000 and ordered to pay costs of £6,000.

After the hearing, HSE Inspector Oscar Dower said "This case sends a clear

message to industry that HSE will hold companies to account if they fail to protect their workers.

“The company allowed its workers to use a machine that was not adequately braked or guarded, leading to significant and wholly avoidable injuries to one of its employees. If the company had ensured the machine’s safety features were working as they should have been, this would not have happened.

“Companies should ensure that safety features of work equipment always remain functional, so that workers are kept safe whilst using machinery.”

This HSE prosecution was supported by HSE enforcement lawyer Arfaq Nabi and Matt Reynolds and HSE Paralegal Officer Imogen Issac.

#### Notes to editors:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).

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## [Fine for rogue landlord who put tenants lives at risk](#)

A landlord has been given a suspended sentence of 26 weeks and electronically tagged for 4 months after putting the lives of her tenants at risk by not maintaining gas appliances at a property in Kent.

Dawn Holliday, 62, refused to undertake gas safety checks even after the Health and Safety Executive (HSE) took enforcement action against her.

Ms Holiday claimed to have no money for undertaking maintenance to the property, leaving the tenants with a very temperamental boiler that banged and often left the occupiers with no heating or hot water, as well as a condemned cooker for several years. However, an HSE investigation found that Ms Holliday was receiving full rent from the tenant for the property on First Avenue in Eastchurch, when the enforcement action was taken.

Despite the Improvement Notice served on Ms Holliday to undertake gas safety checks, she ignored this and further requests from HSE. She also claimed the tenants had moved out and had not been paying rent, the investigation found this claim to be completely untrue.

On the 2nd September 2024 at Sevenoaks Magistrates Court, Dawn Holliday, of Golden Leas Holiday Park, Plough Road, Minster on Sea, pleaded guilty to three charges under Health and Safety at Work etc Act 1974 Section 21 and Gas Safety (Installation & Use) 1998 36(2) and 36(3) and was sentenced to imprisonment of 26 weeks, suspended for a period of 12 months, District Judge Leake also imposed an electronically monitored curfew on Ms Holliday at her address for a period of 4 months with the curfew hours of 20:00-06:00 and awarded HSE £750 in costs. Additionally the Judge made a remediation order pursuant to section 42 of the 1974, for Ms Holliday to undertake the gas safety inspection required of her by the 6th December 2024.

The Prosecution was brought by HSE Enforcement Lawyer, Samantha Wells, assisted by paralegal Imogen Isaacs.

Speaking after the hearing, HSE Inspector Joanne Williams said: “We are dedicated to ensuring that landlords operate within the law and provide safe accommodation for tenants.”

“We do not tolerate disregard for health and safety and consider the non-compliance of HSE enforcement notices as a serious offence.

“In this case Ms Holliday chose to flagrantly ignore the support, guidance and warnings from HSE to assist her in compliance with the law and continued placing her tenants at serious risk of injury or even death.

“Wherever possible we will continue to work with landlords to improve health and safety. However, we will not hesitate to take enforcement action where necessary and prosecute individuals who ignore warnings and the law.”

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## Fire at Spectrum House, Dagenham

“HSE is continuing to make inquiries into the fire at Spectrum House in Dagenham on Monday 26 August.

“We remain in contact with first responders and we are working closely with colleagues in the London Fire Brigade on the way forward with our respective investigations, this engagement will be ongoing.

“Inspectors from HSE’s Investigations and Building Safety divisions are attending site today, Thursday 29 August”

### **Background:**

HSE continue to provide support to the emergency services and are working closely with colleagues in the London Fire Brigade (LFB) to progress our respective investigations and determine the areas that HSE will focus on within its remit under the Building Safety Act, 2022 and the Health and Safety at Work Act, 1974.

The building involved in the fire was a working site undergoing remediation and therefore a joint investigation team within HSE will work closely with the LFB, the Police and other parties including the local authority.

Areas to be considered for investigation include:

- how the cladding remediation works were organised and undertaken, and whether this was a factor in the fire
- whether the Principal Accountable Person for the building had discharged their duties under Part 4 of the Building Safety Act in relation to spread of fire.

Separately we are also engaging with the LFB to determine the circumstances of the fire that occurred at New Providence Wharf in Blackwell East London.

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## Company fined after worker died in excavation

A company has been fined after a man died while working inside an excavation at a construction site in Glasgow.

Derek Caddie lost his life when part of the excavation wall collapsed on 25

November 2019.

This led to the 44-year-old being trapped in soil from the neck down before being rescued by the emergency services. He died from his injuries in hospital three days later on 28 November.

Graeme McMinn, a principal inspector at the Health and Safety Executive (HSE), said: "This was a tragic and wholly avoidable accident, caused by the failure of Carrig Construction Services Limited to put in place measures to control the risk of the sides of the excavation collapsing.

"HSE provides freely available guidance on effective controls for working in excavations on the HSE website."

Mr Caddie had entered the excavation with a colleague to repair damaged and leaking pipework, when the incident occurred. The colleague was left uninjured.

Carrig Construction Services Limited had been appointed as a contractor at the site on Belhaven Terrace West Lane where new houses were being built. Mr Caddie was working under the company's control at the time of the incident.

An investigation by HSE found the collapse was caused by a lack of support to the vertical walls of the excavation. Carrig Construction Services Limited, a company that specialises in groundworks and drainage works, failed to identify the risks from working in the excavation and did not ensure there were practicable steps in place to ensure workers were protected while inside the excavation.

On top of this, none of the workers under the control of Carrig Construction Services Limited had any formal training on working within excavations and were unaware of the risks involved.

HSE guidance can be found at: [Excavations – Construction Safety topics – HSE](#)

Carrig Construction Services Limited, of Hunters Way, Lochwinnoch, Argyll, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £75,000 at Glasgow Sheriff Court on 28 August 2024.

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## Farmer gives grandchildren rides in tractor: footage released

Video footage taken by a neighbour captured the moment a farmer allowed one of his grandchildren to illegally ride in his tractor and ultimately led to his conviction.

Howard Walters, 78, was given a 12 month community order after he was spotted with the child in the tractor cab as he fed cattle on his farm in South Wales.

Walters had already been issued with a prohibition notice by the Health and Safety Executive (HSE) in November 2020 after admitting to inspectors he allowed his pre-teen grandchildren to ride in his tractor. However, just two months later, he was filmed by his neighbour flagrantly breaching the terms of that notice.

A HSE inspector who investigated Mr Walters says the law is “very clear”. Children under 13 are specifically prohibited from driving or riding on or in any agricultural machine, including the tractor cab.

At the time of committing the offence, Walters, of Tirmynydd Farm in Birchgrove, Swansea, was already the subject of a suspended prison sentence for unrelated environmental offences. In a case that was heard on 27 August 2024 at Swansea Crown Court, he was fined £500 for breaching the terms of that sentence. As part of his community order, Walters must attend 25 days of rehabilitation.

Agriculture remains one of the most dangerous industries in Britain, with on average around 29 people killed each year. Being killed by vehicles remains the most significant cause of work related fatality over the last five years.

Unfortunately, children are among those deaths with it often being the case that they are family members, with many killed by farm vehicles.

### **How farmers can keep children safe:**

- Children must not be allowed in the farm workplace (young children should enjoy outdoor space in a secure fenced area).
- Any access to the farm workplace by children under 16, for example for education, or knowledge / experience, must be planned and fully supervised by an adult not engaged in any work activity.
- Children under the age of 13 years are specifically prohibited from driving or riding on any agricultural machine. It is illegal.
- Properly trained, instructed, and supervised older children may, in tightly controlled circumstances, be able to help with some

straightforward low risk tasks.

Further detailed guidance about [child safety on farms and in agriculture](#) is available.

Howard Walters, of Tirmynydd Farm in Birchgrove, Swansea, pleaded guilty to breaching section 33(1)(g) Health and Safety at Work etc Act 1974. He was given a 12 month community order and ordered to pay £3,000 in costs.

HSE inspector Simon Breen said: “The law around children being allowed in the cabs of any agricultural vehicle is very clear. For any child to ride on agricultural machinery like a tractor is unsafe and illegal.

“The fact this farmer chose to ignore a prohibition notice for putting his grandchildren at risk is all the more staggering.

“We will take action against those who break the law.

“The solution is very simple – young children should never ride in agricultural vehicles.”

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