

INDEPENDENT COMPENSATION PANEL

MEETING #92 MINUTES [EDITED]

Purpose:	To determine special medical case and compensation claims.
Date and time:	Tuesday 10 July 2018 – 09.00 to 16.30
Location:	Tideway, Cottons Centre, Cottons Lane, London SE1 2QG
Panel Members:	John Wade [Chair] Chris Kench [Compensation Specialist] for items 1 to 11 Richard Pugh [Compensation Specialist] for items 1 to 11 Stephen Stansfeld [Medical Specialist] for items 9 to 17 Graham Parry [Noise & Vibration Specialist] for items 6 to 17
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-718994

Item	Notes for the record
1	The Panel received further information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718997) that the ICP had requested on 13 February 2018 (ICP#80) in relation to his compensation claim.

Decision:	<p>Given the lack of accounts information for 2017 (other than summary figures) and no response to the request for further information, the ICP struggled to come to a decision in this case.</p> <p>The Panel is aware that the Project is considering a statutory s10 claim and this should be fully explored. Should the Claimant still wish to pursue a claim under Tideway's <i>Non-statutory offsite mitigation and compensation policy</i>, the abovementioned information is required before the matter is referred back to us.</p>
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Item	Notes for the record
2	The Panel received a second compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719005) for the period 3 June 2018 to 31 August 2018.

Decision:	The Panel <u>Approves</u> the claim for loss of rent for the period 3 June 2018 to 31 August 2018.
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Item	Notes for the record
3	The Panel received an email from a Claimant in relation to his claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718998) following the ICP's decision of 12 June 2018 (ICP#89).

Decision:	The Panel responded to the contents of the email.
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Item	Notes for the record
4	<p>The Panel received a further compensation claim for loss of rent for the period 01 January 2018 to 31 December 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719001).</p> <p>The Panel wishes the Claimant and his agent to note that the visual and other environmental amenities of the area surrounding the Chambers Wharf construction site will change towards the end of 2018 with the erection of the acoustic shed.</p>

Decision:	The Panel <u>Approves</u> the claim for loss of rent for the period 01 January 2018 to 31 December 2018.
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Item	Notes for the record
5	The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719007).

Decision:	The Panel is minded to make an award at the next meeting on 14 August 2018, subject to certain information being provided.
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Item	Notes for the record
6	The Panel received a compensation claim for alternative meeting rooms (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718999).

Decision:	<p>The Panel wishes to visit the Claimant's offices in order to assess the claim.</p> <p>The Panel requires the latest s61 Application(s), Dispensation(s) and Variation(s).</p>
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Item	Notes for the record
7	The Panel received a claim for TAP noise mitigation in all habitable rooms facing the Lots Road Pumping Station worksite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719006) who are concerned about the impact of noise from Tideway's construction activities.

Decision:	The Panel notes that, at present, noise from construction activities is not predicted to exceed 64L _{Aeq} during core hours and that this noise level is significantly below the ambient noise levels for the area. The s61 application however only identifies noise level predictions through to the end of June 2018 and the Panel would wish to see the new s61 noise level predictions going forward from July 2018 in order to determine whether noise mitigation should be provided at this property.
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Item	Notes for the record
8	The Panel received a claim for temporary alternative office accommodation for herself when she works from home (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719000).

Decision:	Based on evidence/information provided, the Panel does <u>Not Approve</u> the claim for temporary alternative office accommodation.
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Item	Notes for the record
9	The Panel received a claim for temporary alternative office accommodation for herself and reimbursement for some expenditure (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719003).

Decision:	<ol style="list-style-type: none"> 1. The Panel wishes to understand the reasons for the apparent disparity in the claim. 2. The Panel Approves the full reimbursement of the expenditure claimed.
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Item	Notes for the record
10	The Panel received a claim for forms of respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718904).

Decision:	On the basis of the evidence provided, the Panel does not consider that there is a special case for awarding the respite requested. The Panel invites the Claimant to submit any medical reason(s) why her children
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	and/or herself are adversely impacted by Tideway's activities such that she/they should be considered special medical case(s).
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Item	Notes for the record
11	The Panel received an email from the Project concerning the ICP's award on 26 June 2018 of temporary rehousing (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719013) as she is concerned she may lose her Peabody Homes' flat if she moves out. The Claimant considers that taking some time away during the school holidays would be helpful to herself and her family.

Decision:	<ol style="list-style-type: none"> 1. The Panel requests that the Project writes to Peabody Homes stating that the ICP considers that the Claimant is a special case requiring rehousing until the acoustic shed is completed due to her being a night shift worker as Peabody Homes will not agree to the installation of TAP noise mitigation at Jacobs House. Therefore, subject to the Claimant continuing to pay the rent, we request that her flat be left for her to reoccupy on completion of the acoustic shed 2. Given that the requisite assurance from Peabody Homes above will take a while (or may not be forthcoming at all), the Panel awarded respite during the 2018 summer and autumn school holidays.
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Item	Notes for the record
12	The Panel received a special medical case claim for respite periods and noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718996).

Decision:	The Panel wishes further information before we can determine the claim.
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Item	Notes for the record
13	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719002) for various matters.

Decision:	The Panel determined the five elements of the claim.
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Item	Notes for the record
14	The Panel discussed their visit to assess dust within a Claimant's flat on 3 July 2018 at 16.00 hours. The property is a long way back from Tideway's worksite and has a

	limited view of the construction site such that noise and dust should not be a major issue.
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Decision:	<p>During the ICP's recent visit to the property we were able to assess qualitatively the extent to which noise and dust was affecting the property and to consider whether there are likely to be adverse health impacts upon the Claimant and her children. It is the ICP's view that, at this present moment in time, noise and dust should not affect the health of the family and note, that when the acoustic shed is completed, noise and dust impacts will be substantially contained. Additionally, the extent to which dust from construction activities is resulting in increased soiling on the windows and within the property was not apparent. Accordingly, the claim is <u>Not Approved</u>.</p> <p>However, the ICP is mindful that the Claimant's is expecting a child and if she feels that when the child is born either she or the child is impacted by the construction activities then she should make a further claim to the ICP and we will consider the case as a matter of urgency.</p> <p><u>Note:</u> The Project should confirm that the windows of the Claimant's property are scheduled for cleaning under the enhanced window cleaning arrangements for the building.</p>
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Item	Notes for the record
15	The Panel received the following email from a Claimant, dated 3 July 2018: <i>We are unable to host a visit from the panel on 26th July. Please advise of some alternative dates.</i>

Decision:	The Panel sits on 14 August and 28 August. A visit between approximately 15.00 and 16.00 hours is offered on these dates.
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Item	Notes for the record
16	The Panel received an email from the Project concerning the ICP's award on 26 June 2018 of TAP noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719013) as mechanical ventilation cannot be installed at Free Trade Wharf.

Decision:	<p>Given the circumstances with the Free Trade Wharf building that the Panel was not aware of, we are awarding the following in lieu of mechanical ventilation:</p> <ol style="list-style-type: none"> 1. Tideway to fund two free standing air purifiers with HEPA filtration (one for the lounge and one for the bedroom) and to fund replacement HEPA filters every 6 months. This is on receipt and in accordance with Tideway's standard terms. Tideway to pay £55 per unit for the anticipated electricity running costs.
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	<p>2. One day respite break a week until 30 September 2018 (up to £30 per day, on production of receipts and in accordance with Tideway's conditions).</p> <p>The secondary glazing is to be installed as awarded.</p>
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Item	Notes for the record
17	The Panel reviewed the temporary rehousing and respite awards for residents living close to the Carnwath Road river wall strengthening works at the request of the Project. The river wall works have been completed and there is now a period of inactivity whilst awaiting the reinstatement of the footpath by the London Borough of Hammersmith & Fulham.

Decision:	The Project is asked to provide information on the duration of the footpath reinstatement works, what is involved and the likely start date.
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 13 July 2018

John Wade
Chair, Independent Compensation Panel