

INDEPENDENT COMPENSATION PANEL

MEETING #87 MINUTES [EDITED]

Purpose:	To determine special medical case and compensation claims.
Date and time:	Tuesday 22 May 2018 – 08.45 to 13.30
Location:	Tideway, Cottons Centre, Cottons Lane, London SE1 2QG
Panel Members:	John Wade [Chair] Graham Parry [Noise & Vibration Specialist] Stephen Stansfeld [Medical Specialist] Chris Kench [Compensation Specialist] for item 1
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-718824

Item	Notes for the record
1	The Panel received financial information from a Claimant in response to the ICP's in principle award (ICP#83 refers).

Decision:	The Panel awarded the claimed backdated respite payments, subject to a small adjustment.
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Item	Notes for the record
2	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718818) for: <ul style="list-style-type: none"> • Mechanical ventilator • HEPA filters • Respite holiday overseas for 2-4 weeks • Regular window cleaning

Decision:	<p>Due to the Claimant's mental and physical ill health, the Panel is of the view that travelling abroad is not at all advisable and is not approving the overseas holiday claimed.</p> <p>The Panel is of the very strong opinion that the best solution for the Claimant is temporary rehousing for the duration of the Chambers Wharf Tideway works, as determined for an earlier claim (ICP#53 refers).</p>
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	Should temporary rehousing not be feasible due to the Claimant's physical and mental condition, TAP noise mitigation packages are to be installed in his bedroom and lounge; the Titon Sonair units are to incorporate F6 arrestment filters, which should be changed every 4 months.
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Item	Notes for the record
3	<p>The Panel received a special medical case claim for (i) a respite holiday overseas during the 6-week school summer holiday and (ii) daily respite breaks (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718817).</p> <p>In response to a previous claim, the ICP determined at its meeting on 4 April 2017 (ICP#60) as follows:</p> <p style="padding-left: 40px;"><i>The claim is Not Approved as more local respite is deemed more appropriate having regard to the medical conditions of the Claimants. The Panel invites the Claimant to submit a claim for respite locally.</i></p> <p>At the ICP meeting on 9 January 2017 (ICP#62), the Panel determined as follows:</p> <p style="padding-left: 40px;"><i>The Panel agreed the local form of respite proposed during the jetty demolition as being suitable having regard to the medical conditions of the Claimant's mother and brother.</i></p>

Decision:	<p>The Panel determined the following:</p> <p><i>Respite holiday</i> The claim is <u>Not Approved</u> as more local respite is deemed more appropriate, having regard to the medical conditions of the recipients. The Panel invites the Claimant to submit a claim for respite locally.</p> <p><i>Daily respite</i> The Panel is minded to award two days respite per week, which we would review once the acoustic shed is completed. To help us come to a definitive decision, the Panel invites the Claimant to indicate what form of respite she has in mind for the recipients. The Panel notes that any respite would necessarily involve two carers.</p>
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Item	Notes for the record
4	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718816) for (i) ventilation machine + HEPA filters, (ii) blackout blinds and (iii) respite payment.

Decision:	<p>The Panel determined the following:</p> <p><i>Sleep disturbance</i> In order to determine this part of the claim, the Panel requires the following information:</p> <p><u>From the Claimant</u> - details from the Claimant's employer of the shift pattern.</p>
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	<p><u>From the Project</u> - latest s61 application and dispensation(s), including the period covering the erection of the acoustic shed. If this information is not readily available in the format requested, then the ICP require predictions of noise levels at the Claimant's property to include existing noise activities and during the erection of the acoustic shed.</p> <p><i>Respite payments</i> The Claimant is to note that the Standard Case payments of £30 per day were a Tideway initiative and not awarded by the ICP. The ICP does not award financial compensation without justifiable reason. Should the ICP make an award in this case, it would be in the form of respite, the costs associated with which would need to be claimed on production of receipts (up to a cap that the ICP would specify) and in accordance with Tideway's standard conditions.</p> <p><i>Light intrusion</i> No photographic evidence of light intrusion was included within the claim documentation; the Claimant should, therefore, apply for blackout blinds using the alternative local claim process that has been agreed with the ICP.</p>
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Item	Notes for the record
5	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718815) or (i) ventilation machine + HEPA filters, (ii) blackout blinds and (iii) respite payment.

Decision:	The Panel does not consider that there is a special medical case owing to the location and aspect of the Claimant's flat in relation to the Chambers Wharf worksite and the Claimant's daughter's medical condition being adequately controlled by medication. The claim is, therefore, <u>Not Approved</u> .
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Item	Notes for the record
6	<i>Urgent medical case</i> The Panel received an urgent special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718820) for respite.

Decision:	<p>The Panel is of the very strong opinion that the best solution for the Claimant would be to be rehoused away from the Tideway worksite for the duration of the construction works <u>as soon as possible</u>.</p> <p><u>If this is not possible</u>, or there will be more than a few day's delay, the Panel is awarding a range of respite measures. These three awards are to be reviewed after the acoustic shed has been completed.</p>
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Item	Notes for the record
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7	<p>The Panel received a series of emails from a Claimant (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718821).</p> <p><u>Chair's note</u> - The latest email from the Claimant is dated 18 May 2018, 6 working days after the deadline for receipt of papers. Going forward, late submissions will be deferred until a later meeting.</p>
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Decision:	<ol style="list-style-type: none"> 1. The Panel awards the Claimant temporary rehousing away from a main road or construction activities until the acoustic shed is completed. 2. Whilst the ICP remains unconvinced as to the level of dust exposure and noise levels which affect the Claimant's enjoyment of her property and her health, the ICP requests that noise and dust monitoring should be installed as close to the Claimant's property as is reasonably possible in order that the ICP can make an informed decision as to the effectiveness of the acoustic shed when the Claimant returns to her property. The ICP indicated a possible position. 3. The ICP has been provided with photographs taken by the Claimant which provides some evidence of dust at the entrance to the Chambers Wharf construction site. Whilst the level of dust in the photographs does not appear to be substantial there is the possibility for it to be raised into the air and the ICP would wish to remind the contractor of the advice that the ICP have previously provided that they, the contractor, have a duty to utilise best practicable means to reduce the likelihood of dust impacts occurring. <p>The ICP note however that during a visit to the general area on the 22 May 2018, levels of dust migration from the site were insignificant although, on that day, the predominant wind direction was from the north whereas ordinarily is would be from the southwest which tends to reduce the likelihood of dust impacting at the Claimant's property.</p>
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Item	Notes for the record
8	<p>The Panel visited a Claimant to assess her claim for home cleaning (ICP#86 refers).</p> <p>The Panel found the Claimant's flat to be very clean inside (the Claimant had recently cleaned it). On opening the windows, little dust was found in the frame or on the seals. All windows were, however, dirty on the outside. The Claimant stated that she kept all of the windows closed during construction hours, only opening them first thing in the morning and in the evening (after Tideway works had finished for the day) to get fresh air into the flat.</p> <p>The Panel walked along Llewellyn Street and noticed that the ground floor windows were cleaner further away from the Chambers Wharf worksite.</p>

Decision:	Based on the cleanliness of the Claimant's flat at the time of our visit, the Panel is of the view that there was insufficient dust within her rooms to
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	<p>support the claim for home cleaning; the claim is, therefore, <u>Not Approved</u>. However, this judgement is made on the basis that the openable non-glazed panels are not opened during Tideway's construction hours, resulting in the flat not being adequately ventilated.</p> <p>The Panel wishes the Project to investigate the possibility of installing Titon Sonair mechanical ventilation units (incorporating F6 arrestment filters) into the non-glazed openable panels (negating the need to puncture the external cladding) and report back to the ICP as soon as practicable.</p>
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Other matters:	<p>Where the ICP has awarded mechanical ventilation with HEPA filters, this should be regarded as meaning <i>Titon Sonair mechanical ventilation units (incorporating F6 arrestment filters)</i>.</p>
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 29 May 2018

John Wade
Chair, Independent Compensation Panel