

INDEPENDENT COMPENSATION PANEL

MEETING #84 MINUTES [EDITED]

Purpose:	To determine special medical case and compensation claims.
Date and time:	Tuesday 10 April 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 4 and 11 Richard Pugh [Compensation Specialist] for items 1 to 4 and 11 Stephen Stansfeld [Medical Specialist] for items 3 to 11 Graham Parry [Noise & Vibration Specialist] for items 3 to 11
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-717968

Item	Notes for the record
1	<p>The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717958).</p> <p>There were a number of elements to the claim which the Panel considered in turn.</p> <p>In relation to the claim for interest, Tideway's <i>Non-Statutory Off-site mitigation and compensation policy</i> makes no provision for the payment of interest on any compensation due. Whilst this is a claim under the non-statutory policy, the ICP follows the principles of statutory compensation wherever possible. Where appropriate, interest on statutory compensation is calculated at a prescribed statutory rate (which is currently 0%) so if interest were to be payable in principle, in practice the quantum would be nil.</p>

Decision:	The Panel awarded compensation for the majority of the claim.
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Item	Notes for the record
2	The Panel received a referral back from the ICC relating to a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-717959) as the Claimant had provided the ICC with additional information that the ICP had not received when it previously considered the claim on 6 March 2018 (ICP# 81).

Decision:	In order to determine the claim, the Panel requires sight of Land Registry documentation for the recent sale of the property to the Claimant so that we have full details of the price paid, ownership, etc.
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Item	Notes for the record
3	<p>The Panel received an email from the Project in relation to the practicability of installing secondary glazing at a Claimant's property (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-717962) following the ICP's request of 10 October 2017 (ICP#72) in response to a compensation claim for loss of rent.</p> <p>Having fully investigated the opportunity for the installation of the Trigger Action Plan (TAP) measures, the ICP agreed that it is not practicable to secondary glaze the property.</p> <p>In light of the above, the Panel have now considered the compensation claim for loss of rent for the period 1 January 2017 until 31 December 2017.</p>

Decision:	<p>The Panel agree to the payment of compensation for loss of rent (as previously evidenced), without a deduction to reflect secondary glazing.</p> <p>The Claimant is invited to submit further claims going forward if the losses continue and the Panel would be happy to consider the evidence when presented having regard to the circumstances at that time.</p>
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Item	Notes for the record
4	<p>The Panel received an email trail from the Project seeking advice from the Panel on the temporary alternative office accommodation offered to a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718717).</p> <p>The Panel was of the view that it would need to visit the Claimant's current office, the office being offered to him and his preferred choice to assess the impact of noise from the piling operations with windows closed and open (to facilitate the use of a mobile air conditioning unit), both subjectively and by taking sound level measurements.</p> <p>The Panel noted the rental price difference between the office being offered to him and his preferred choice.</p>

Decision:	<p>In view of:</p> <ol style="list-style-type: none"> 1. The time already spent by the Project and the Panel considering the claim (including an abortive visit to the Claimant's office on 13 February 2018 when the pre-arranged piling did not take place due to a technical problem) and the costs incurred and, 2. The further time that would be spent by the Project and the Panel assessing the noise impact within the various offices (including a site visit as described above) and the costs incurred; <p>the Panel is of the view that the most pragmatic and best customer relations solution would be to agree to the Claimant's request to be</p>
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	allocated his preferred office from those offered to him for the duration of the coffer dam works.
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Item	Notes for the record
5	The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717961) in response to the ICP's request on 12 December 2017 (ICP#76).

Decision:	The Panel determined that the Claimant should have two days respite per week (up to £30 per day, on production of receipts and in accordance with Tideway's standard terms and conditions) until the acoustic shed is erected.
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Item	Notes for the record
6	The Panel received a special medical case claim for new windows and air conditioning (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717967).

Decision:	<p>The Panel determined that dust exposure from the site would be unlikely to put the Claimants' son at risk, given the location of their flat in relation to the site.</p> <p>On the basis of the medical evidence provided, the Panel did not consider the Claimant to be a medical special case. The Panel would be prepared to review the case in the light of the provision of further medical evidence.</p> <p>The Panel anticipates that the concerns already raised by the ICP with Tideway regarding best practicable means (bpm) will result in minimising sleep disturbance from night working.</p>
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Item	Notes for the record
7	The Panel received a request from a Claimant for an extension to the respite the ICP awarded on 22 August 2017 (ICP#69), ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717960).

Decision:	The Panel awarded an extension to respite, subject to conditions.
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Item	Notes for the record
8	The Panel received a special medical case claim for the noise mitigation package (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717964).

Decision:	In view of the Claimant's chronic pain and disability restricting his mobility, the Panel determined that the requested noise insulation package should be installed.
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Item	Notes for the record
9	The Panel received a letter from a Claimant's GP (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717965) in response to the Panel's determination of 13 March (ICP#82).

Decision:	<p>On considering the contents of the GP's letter, the Panel were of the view that the level of respite awarded by the Panel on 13 February 2018 remains unchanged.</p> <p>The Panel note that to date we have still not received any information from the Project in relation to installing the HEPA ventilator into the 'door' of the ventilation area.</p>
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Item	Notes for the record
10	<p>The Panel received a special medical case claim for respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718453) due to heat within his flat. The ICP had granted temporary rehousing during the 2017 summer months because of the impact of heat on his pregnant wife.</p> <p>Based on the TAP information and 'as built' drawings provided to the ICP to date, the Panel has not been provided with any satisfactory reason why mechanical ventilators cannot be installed in the lounge and bedroom in order to provide forced ventilation with the windows closed.</p>

Decision:	<p>The Panel determined that</p> <ol style="list-style-type: none"> 1. Mechanical ventilators are to be provided by the Project in the lounge and bedroom. 2. Venetian blinds are to be provided between the primary and secondary glazing fitted to the lounge and bedroom windows to reduce solar gain (if they have not already been provided). 3. Some of the requested respite was approved, subject to conditions.
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Item	Notes for the record
11	The Panel Chair asked for thoughts on what Panel members would like to see in his 2017-18 Annual Report.

Other Matters:	<p><i>Carnwath Road River Wall Works</i> The Project made the Panel aware that footpath reinstatement following the completion of the works to strengthen the river wall will be carried out by the London Borough of Hammersmith and Fulham. These works may include noisy activities which could disturb the Claimants who have been awarded respite by the ICP.</p> <p><u>The respite period previously awarded to residents affected by the river wall works is to be extended until such time as the footpath has been reinstated, the hoarding removed and the footpath is considered fit to be reopened by the London Borough of Hammersmith and Fulham.</u></p> <p><i>Queries regarding existing awards</i> The ICP amended its requirements relating to the awards to two Claimants owing to the special circumstances the Claimants presented via the Project.</p>
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 12 April 2018

John Wade
Chair, Independent Compensation Panel