

Monthly Report of the Independent Compensation Panel Chair

March 2017

The Independent Compensation Panel (the 'Panel') met on two occasions in March 2017.

14 March (ICP58)

Purpose

To determine a number of medical special case claims and other matters.

Panel Members

I was joined by a Medical Specialist and a Noise & Vibration Specialist.

Decision of the Panel

Item 1

The Panel received an email from the Project dated 7 March 2017 regarding the request made at its last meeting (ICP#57) that a monitoring methodology be submitted to check compliance with the section 61 consent(s) between 07.00 – 08.00 hours, Monday to Saturday. The Project stated that it considers that it is not within the gift of the Panel to ask for additional surveys to check compliance with a statutory consent. The Panel reviewed its role and functions as set out in the Non-Statutory Off-site mitigation and compensation policy and agreed that this was the case.

The ICP agreed that the matter be referred to the ICC, to whom the original complaint of sleep disturbance was made at the same time that the Appellant lodged an appeal. The Panel is happy to assist the ICC in determining any future actions.

Item 2

The Panel received an email from the Project dated 7 March 2017 regarding the outstanding request for a pest control survey around Fountain Green Square proposing wording of an email to the complainant. The Panel was happy with the proposed wording of the email on the understanding that any such future complaints will be fully investigated.

Item 3

The Panel received the outstanding conditions and defects survey report for 3 Fountain Green Square. The Panel determined that the matter be deferred to its next meeting (20 March 2017) when a Building Surveyor will be available to join the Panel.

Item 4

The Panel received a claim for compensation (ref. 2000-TDWAY-CHAWF-990-ZZ-OL-100007). The Claimant had also sent an email to the Chair on 10 March 2017. The Panel determined that further information is required from the Claimant in order to determine the claim

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Item 5

The Panel received the additional information it had requested in order to consider the Claimant's claim (ref. 2000-TDWAY-CARRR-990-ZZ-OL-100001). The Panel determined that rehousing be offered which meets the particular needs of the Claimant's son until the completion of all of the construction activities at Tideway's Carnwath Road Riverside site

Item 6

The Panel received a claim for compensation (ref. 2000-TDWAY-CHAWF-990-ZZ-OL-100006). The Panel determined that further information is required from the Claimant in order to determine the claim.

Item 7

The Panel received a claim for compensation (ref. 2000-TDWAY-CHAWF-990-ZZ-OL-100005). The Panel determined that the construction activities could exacerbate the medical condition and that the Project should make a contribution towards respite periods away from the construction site until the shed is in place. The level of contribution needs to be determined by Compensation Specialists and will be referred to the next meeting of the Panel on 20 March 2017 when compensation claims will be considered.

Item 8

The Panel received a claim for compensation (ref. 2000-TDWAY-CHAWF-990-ZZ-OL-100004). The Panel determined that further information is required from the Claimant in order to determine the claim.

Additional matter

The Panel expressed serious disappointment that it still had not received the Chambers Wharf lighting audit report it requested on 10 February 2017 (ICP#53 Part 2). The Panel noted that the Chair had escalated this to the Project's General Counsel.

20 March (ICP59)

Purpose

To determine a number of medical special case claims and other matters.

Panel Members

I was joined by two Compensation Specialists for items 1-3 and a Noise & Vibration Specialist and Building Surveyor for item 4.

Decisions of the Panel

Item 1

The Panel received a claim for compensation for loss of Airbnb business (ref. 2000-TDWAY-KRTST-990-ZZ-OM-100004). It is not possible to assess the loss at this time and the Panel would not wish to prejudice the Claimant by predicting too low a loss.

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The Panel determined that:

1. The Claimant has grounds for seeking an agreement with the Project in accordance with clause 8.1.2 of the Non-Statutory Off-site mitigation and compensation policy.
2. The Panel invites FLO and the Claimant to draft an appropriate agreement in accordance with the guidance in clauses 8.1.2 and 8.1.3 of the Non-Statutory Off-site mitigation and compensation policy and submit it to the Panel for approval.
3. The Claimant provide further information on two points.

Item 2

The Panel received a claim for compensation (ref. 2000-TDWAY-CHAWF-990-ZZ-OL-100005). The medical aspects of the claim were considered by a Panel on 14 March 2017 (ICP#58). The Panel determined that the claimant provide information of the nature, duration and dates of the respite being sought and the sort of costs likely to be incurred.

Item 3

The Panel received limited information on electricity usage at that the Chair had requested following the Panel meeting of 23 February 2017 (ICP#57) in order to assist the Panel determine the level of compensation to be paid across the Project for additional air conditioning running costs (ref. 2000-TDWAY-TTTUN-990-ZZ-OLZ-100036).

The Panel reviewed the limited electricity consumption information provided and could not find any significant increase since Tideway commenced works at the Chambers Wharf site. However, this only reflects the circumstances of this particular Claimant and the Panel felt that these would not necessarily be typical. The Panel considers that it would be appropriate for the Project to make a payment towards air conditioning running costs in line with that for the TAP mechanical ventilators (clause 5.22 of the TAP). The £55 annual payment in advance for each habitable room is to be backdated to the time that Tideway first commenced enabling works at the Chambers Wharf site.

The Panel determined that:

1. The Project to make a payment towards air conditioning running costs of properties where the TAP noise mitigation package has been installed (without mechanical ventilators) in line with that for the TAP mechanical ventilators (£55 per habitable room per annum, in advance)
2. The £55 annual payment for each habitable room is to be backdated to the time that Tideway first commenced enabling works at the Chambers Wharf site.
3. Residents without air conditioning and needing to keep windows closed that have chosen to rent or buy portable air conditioning unit(s) would need to apply to the Panel for compensation on a case by case basis.
4. These principles are to be applied across all Tideway construction sites.

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Item 5

The Panel received the outstanding conditions and defects survey report for 3 Fountain Green Square prepared by CMP Surveys Ltd, dated 25 January 2017. The Panel determined that the nature of the cracking noted is typical of the type and nature of the dwelling. It appears that the cracking is the result of natural thermal and moisture movement of the building elements, especially timber, plaster and mortar, over time and is not as a result of the Tideway works. It is recommended that the property be re-inspected internally and externally once the main engineering works are completed to establish if any of the cracks are progressive in nature.

Other Matters

I attended a meeting with at Southwark Citizens Advice on 7 March with the aim of reviewing community relations activities at Chambers Wharf. The meeting was chaired by the CEO and facilitated by Dave Walker (Southwark Mediation Centre). Attendees included Ward Councillors, Southwark Council officers, the ICC and Tideway personnel. Actions to which the ICP would contribute were (i) defining a geographical area for pre-qualification for discretionary compensation for sectors of the community who would 'normally' be at home during the day and (ii) defining these sectors and the most appropriate forms of mitigation for each.