

INDEPENDENT COMPENSATION PANEL

MEETING #136 MINUTES

Purpose:	To determine compensation and special case claims.
Date and time:	Tuesday 8 October 2019– 9.30am to 3.30pm
Location:	Teleconference/Cottons Centre, Cottons Lane, London, SE1 2QG Site visit to Riverlight 6, Kirtling Street and Jacobs House, Chambers Wharf
Panel Members:	Fiona Penhallurick (Chair) Graham Parry (Noise & Vibration) Aurelia Richards (Medical) Richard Pugh (Compensation items 2 & 3 – by phone) Chris Kench (Compensation items 2 & 3 – by phone)
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'ICC' means the Independent Complaints Commissioner for the Project 'TAP' means Trigger Action Plan
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ721085

Item 1	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721048 and undertook a site visit to the resident's property.
Relevant Tideway site	Kirtling Street
Decision	The mitigation previously awarded was CONFIRMED.
Details of the award	<p>The Panel made a site visit to the property. The Panel noted that the property does not have integral air conditioning and apparently is affected by overheating in the summer months due to certain design features and the orientation of the property. The Panel noted that the applicant has taken steps to reduce the impact of solar gain.</p> <p>The Panel notes the high level of ambient noise surrounding the property from a large number of construction projects, of which Tideway is one.</p> <p>The muck bin operations on the Tideway site do not operate 24/7, with muck being discharged to the ground only in certain circumstances.</p> <p>The Panel discussed with the resident that a portable air conditioning unit which does not have an external pipe may be purchased if this is preferred by the resident. The Panel noted that these units do need to have the water emptied frequently in</p>

	<p>accordance with manufacturer’s instructions and may have a louder operational noise level than vented units.</p> <p>The Panel confirm that they believe their previous award decision is proportionate. An award of an integrated system would not be possible without landlord consent (which the Panel has been informed would not be forthcoming) and any unit in excess of the award previously made would not be proportionate given the level, frequency and duration of the specific noise events occurring from the Tideway site.</p> <p>The applicant may use the amount previously awarded by the Panel to contribute to a unit costing more than £300 if the applicant so desires.</p> <p>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 2	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721042 which included further information as requested by the Panel in respect of a claim for loss of rent.
Relevant site	Thames Water Shad Thames Pumping Station
Decision	The requested mitigation was NOT AWARDED
Details of the award	<p>The Panel does not find that a case has been proved either for a general upward trend in rent, or the negative impact of the Thames Water works.</p> <p>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 3	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721049 in respect of an application for trigger action plan mitigation.
Relevant Tideway site	Heathwall Pumping Station/Kirtling Street
Decision	The requested mitigation was AWARDED in part.
Details of the award	<p>The ICP previously awarded compensation to houseboat tenants at Nine Elms Pier in order to enable them to seek respite away from the pier particularly during the jetty and night-time tunnelling works. The intention was that the compensation would assist residents with the cost of seeking respite in land-based accommodation (which was generally at a higher rent level than the houseboat rents). Awards made had regard to the length of time the residents had been on the pier and to the terms of their tenancy agreements (typically a maximum of 12 months).</p> <p>The Trigger Action Plan (TAP) for Nine Elms Pier houseboats provides as follows:</p> <p>Noise assessment A.2.26 <i>The Environmental Statement Update Report – March 2014 confirms that the houseboats at Nine Elms Pier could potentially be significantly affected by noise during two phases during construction, namely a period of three months during the daytime for piling for the new jetty, and a period of 22 months during the evening and night-time during the tunnel drives.</i></p> <p>Accordingly, the Panel awards the amount as assessed by FLO (Tideway’s contractor) in respect of the ongoing tunnelling operations.</p> <p>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 4	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721045 in respect of a claim for holiday respite.
Relevant Tideway site	Chambers Wharf
Decision	The Panel ratifies the communication between the Chair and the applicant which explained the basis of the award.
Details of the award	All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 5	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721047 in respect of a request to vary the terms of the holiday respite awarded to give daily respite only during the holidays.
Relevant Tideway site	Chambers Wharf
Decision	The requested change to the mitigation was CONFIRMED during the October school holidays for the applicant and four children.
Details of the award	The family are awarded 2 days daily respite to be taken during the school October Half term holidays 2019 instead of the previous award of two days holiday respite during the same holiday period. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 6	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721050 which included further evidence provided by the resident which did not meet the request of the Panel.
Relevant Tideway site	King Edward Memorial Park
Decision	The requested mitigation is not extended beyond the current award, which expires on 28 November 2019.
Details of the award	<p>The applicant is open to make a further application to the Panel with the support of a GPs letter covering matters identified by the Panel.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 7	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721061 in respect of a request for an enhanced award.
Relevant Tideway site	Kirtling Street
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The Panel made a site visit to a property in the same block of flats (not the applicant's). The Panel noted that the flats in the building do not have integral air conditioning and apparently are affected by overheating in the summer months due to various design features and their orientation.</p> <p>The Panel noted the high level of ambient noise surrounding the property from the local road network and a large number of construction projects, of which Tideway is one.</p> <p>The Panel further noted that the muck bin operations on the Tideway site do not operate 24/7, with muck being discharged to the ground only in certain circumstances.</p> <p>Given this, the Panel confirm that they believe their previous award to be proportionate.</p> <p>The applicant may use the amount previously awarded by the Panel to contribute to a unit costing more than the amount awarded if the applicant so desires.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>

Further information required/actions arising	None
Information/action requested from Tideway	None

Item 8	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ721050 in respect of a request for overnight mitigation for night worker and students. The Panel undertook a site visit to the property and viewed a video taken at the property which was date stamped.
Relevant Tideway site	Chambers Wharf
Decision	The mitigation was AWARDED for the applicant, his wife and 2 children (both students) for 2 nights for October half term holiday 2019.
Details of the award	All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 9	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ -721088 in support of an extension of the current mitigation.
Relevant Tideway site	Chambers Wharf
Decision	The Panel notes the updated medical information. The current mitigation award was CONFIRMED until the completion of the slurry treatment construction works.
Details of the award	The medical information provided supports the award of the Panel made on 6 August 2019 until completion of the slurry treatment works. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 10	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ- 721089 . The resident requested that the Panel wrote to their GP to confirm the information required and presented certain questions for the Panel.
Relevant Tideway site	Kirtling Street
Decision	The Panel provided the requested clarification in respect of the questions raised and prepared a draft letter to the applicant's GP.
Details of the award	All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	Panel to produce letter for GP.
Information/action requested from Tideway	None

I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed

Date 23 October 2019

Fiona Penhallurick
Chair, Independent Compensation Panel