

INDEPENDENT COMPENSATION PANEL

MEETING 138 MINUTES

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| Purpose: | To determine special case and compensation claims. |
| Date and time: | Tuesday 12 November 2019 – 9am to 2.00pm |
| Location: | Cotton Centre, Cotton Lane, London SE1 2QG and by conference call. |
| Panel Members: | Fiona Penhallurick (Chair) (by phone) Graham Parry (Noise & Vibration) (items 2-8) Stephen Stansfeld (Medical) (items 2-8) Chris Kench (Compensation) (item 1) (by phone) Richard Pugh (Compensation) (item 1) (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-ZZ-721116 |

Site visit: Philpot Square, Carnwath Road at 9am. The noise expert visited the building and obtained access to the first and second floor stairwell and to external areas adjacent the rubbish chute. The gantry crane was in operation on the site. It was noted that the conveyor system and muck bin area is not in direct line of sight from those areas accessed by the noise expert. It was noted that a number of windows facing onto Carnwath Road were open on the building. The chair and another panel member will undertake a night-time site visit later this month.

| Item 1 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721122 which included a report from a forensic accountant. |
| Relevant Tideway site | Victoria Embankment |
| Mitigation/compensation requested | Balance of claim for business losses for 2018/2019, interim award made in July 2019. Legal fees associated with claim. |
| Decision | The requested mitigation was AWARDED IN PART. |
| Further information required/actions arising | Further information requested to consider legal fees element of claim. |
| Information/action requested from Tideway | None |

| Item 2 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721118 |
| Relevant Tideway site | Kirtling Street |
| Mitigation/compensation requested | Integrated air conditioning to the apartment, window cleaning, a respite break for claimant and partner. A request for blackout blinds for the second bedroom was referred to Tideway to be considered. |
| Decision | The requested mitigation was AWARDED IN PART. |
| Details of the award | The Panel noted that Tideway has offered to progress the claim for blackout blinds. The Panel recently undertook a further site visit to Kirtling Street (its third this year) and specifically visited a flat in the same building. The Panel found that with windows closed there was very limited noise ingress into the building and any such ingress was not at such a level as to result in a significant impact. A fan/air conditioning unit was awarded together with running costs for two years. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 3 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721137 |
| Relevant Tideway site | Kirtling Street |
| Mitigation/compensation requested | 6-month review of respite mitigation awarded in April 2019. |
| Decision | The respite mitigation was DISCONTINUED. |
| Details of the award | The Panel has previously awarded an air conditioning unit (including running costs) and noise cancelling headphones. 1. amount awarded to residents at this and other Tideway sites where this form of mitigation is awarded by the Panel. The Panel noted that Tideway has offered to progress the claim for blackout blinds. |

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| | <p>The Panel had recently undertaken a further site visit to Kirtling Street (its third this year) and specifically visited a flat in the same building as the applicant. The Panel found that with windows closed there was very limited noise ingress into the building and any such ingress was not at such a level as to result in a significant impact.</p> <p>All awards are subject to Tideway's Guidelines for the Implementation of ICP decisions. https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 4 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721114 |
| Relevant Tideway site | Chambers Wharf |
| Mitigation/compensation requested | Daily respite for one resident. |
| Decision | The requested mitigation was NOT AWARDED. |
| Details of the award | <p>Recent noise monitoring from the site indicates that noise levels at this location are below trigger levels for mitigation and have reduced significantly since the acoustic shed became operational.</p> <p>The Panel has undertaken several site visits to Chambers Wharf and notes that the property is significantly screened by the Tideway Office buildings. The Panel does not believe that the occupiers of the property will be significantly adversely affected by noise from the on-going slurry treatment works construction and the information provided does not suggest that there will be a significant adverse impact of noise on the applicant.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 5 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721149. |

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| Relevant Tideway site | Kirtling Street |
| Mitigation/compensation requested | New blackout curtains for bedroom Reimbursement for blackout blinds purchased by resident. New blackout curtains for living room Air cooler/filter to keep apartment cool and remove dust Contribution towards therapy Compensation for past disturbance (previous three years) Ongoing compensation for continuing disturbances |
| Decision | The requested mitigation was AWARDED IN PART. |
| Details of the award | The resident was referred to the Tideway scheme for Black out blinds. An air conditioning unit and running costs up to the amount awarded for other residents in the same building was awarded. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf |
| Further information required/actions arising | None |
| Information/action requested from Tideway | Tideway's contractor to carry out a light audit to ensure compliance with requirements and to minimise the likelihood of light trespass into the property. |
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| Item 6 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721141 |
| Relevant Tideway site | Carnwath Road |
| Mitigation/compensation requested | Integrated air conditioning for flat. Medical evidence provided. |
| Decision | The requested mitigation was AWARDED IN PART. |
| Details of the award | The Panel has previously looked at the possibility of integrated air conditioning for this building and understands that this is not possible to install, given the constraints of the building. The Panel awards a free-standing air-conditioning unit/fan for the living room plus contribution for electricity running costs for two years. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf |

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| Further information required/actions arising | None |
| Information/action requested from Tideway | None |
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| Item 7 | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721315 . |
| Relevant Tideway site | Chambers Wharf |
| Mitigation/compensation requested | Request for contribution to takeaway meals in lieu of current award daily respite. |
| Decision | The requested mitigation was NOT AWARDED. |
| Details of the award | <p>The medical expert from the Panel had a telephone conversation with the Applicant in the presence of the noise expert. The medical expert explained that the purpose of mitigation awarded by the Panel was to provide mitigation to provide respite from noise arising from the Tideway site as it impacted on the resident in her flat, awarding mitigation which took the resident away from the noise source. The proposed solution would not do this.</p> <p>The Resident was invited to suggest further mitigation which might assist.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |
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| Item 8. | Notes for the record |
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| Applicant reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721314 . |
| Relevant Tideway site | Carnwath Road |
| Mitigation/compensation requested | Overnight respite during pest treatment works in respite property which are the responsibility of the tenant under the terms of the tenancy agreement. |
| Decision | The requested mitigation was AWARDED. |

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| <p>Details of the award</p> | <p>The Panel awards one night's respite accommodation for the resident and her four children on each of the dates where infestation treatment is undertaken.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p> |
| <p>Further information required/actions arising</p> | <p>None</p> |
| <p>Information/action requested from Tideway</p> | <p>None</p> |
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed

Fiona Penhallurick
Chair, Independent Compensation Panel

Date 21 November 2019