

INDEPENDENT COMPENSATION PANEL

MEETING #155 MINUTES

Purpose:	To determine special cases and compensation claims
Date and time:	Tuesday 23 June 2020 – 09.00am – 12.45pm
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (Medical) Chris Kench & Richard Pugh (Compensation Specialists)
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'ICC' means the Independent Complaints Commissioner for the Project 'Non-Stat Policy' means the Non-Statutory Off-site mitigation and compensation policy
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-729128

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729126
Relevant Tideway site	Cremorne Wharf
Decision	Requested mitigation AWARDED
Details of the award	<p>The claimant and his wife both work from home. There is no medical evidence. They both report multiple disturbances from the CREWD site. They were previously awarded new secondary glazing to their front bedroom and they are now requesting replacement blinds as the existing blinds will not fit their new glazing.</p> <p>The Panel has carefully considered this claim which is not dissimilar to a standard TAP claim and, as the bedroom is south facing with the potential for solar gain, the request for assistance with the costs to alter or replace their existing blinds is awarded subject to an agreement with Tideway on the costs.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None

Information/action requested from Tideway	Tideway to agree with the claimant a budget cost for the blinds.
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Item 2	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729127
Relevant Tideway site	Putney Embankment Foreshore
Decision	Business compensation is AWARDED
Details of the award	<p>The ICP reviewed the latest forensic accountants report for the period 1 January 2020 to 20 March 2020 (the date when the closure of all restaurants was ordered by the Government).</p> <p>The Panel accepts the methodology adopted, which also reflects the effects that the COVID-19 pandemic had on the business prior to 20 March 2020, and agrees the award as proposed.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></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-ZZ-729148
Relevant Tideway site	Carnwath Road
Decision	Respite extension AWARDED
Details of the award	<p>The claimant was previously awarded holiday respite which was linked to the end of tunnelling operations which had been anticipated to cease at the end of May 2020. Due to COVID-19, the cessation of tunnelling works has subsequently been delayed and it was therefore requested by the site team that the award should be extended until spoil production activities cease.</p> <p>The Panel considered the request from the site team and determined that, under the circumstances, the existing respite is extended until the cessation of spoil production tunnelling activities.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></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-729137 plus 3 videos: 2350-TDWAY-TTTUN-990-ZZ-ZZ-729139 , 2350-TDWAY-TTTUN-990-ZZ-ZZ-729140 and 2350-TDWAY-TTTUN-990-ZZ-ZZ-729135
Relevant Tideway site	Cremorne Wharf Depot
Decision	Mitigation is PART AWARDED
Details of the award	<p>The claimant moved into his houseboat when works had commenced on the site and is working from home full time and is apparently disturbed by: noise in the evening from the site and also by the swell, caused, he says, by Tideway's barge movements; vibrations, especially from piling, bright lights from the site and 24-hour noise. He presents no medical evidence. He is requesting replacement curtains, a weekly cleaner, compensation for breakages and nuisance, a small portable air conditioning unit, fan, and payment of his rent from March to November 2020.</p> <p>The Panel reviewed the information provided and note the distance from the houseboat to the site and barge activities, the location of the houseboat which is south east of the site and that the dominant wind direction is from the south west. The Panel does not consider that dust from the site activities would be such as to result in a significant issue from the site noting that much of the material removed by barge will be damp. Accordingly, no award is made for a cleaner.</p> <p>With respect to disturbance from swell on the river, the Panel considers that this should be a reasonable expectation of living on the river and therefore no award is made in this respect.</p> <p>The claimant has requested financial compensation for the disturbance which he has experienced; however, it is the case that the ICP does not make financial awards of this nature. The claimant is advised that if he so wishes, he should request that his landlord, the owner of the houseboat, reduces the monthly rent.</p> <p>With respect to breakages, for which no details were provided, the claimant should make a claim direct to the contractor.</p> <p>Following due consideration of the claim items, the Panel makes an award of a portable air conditioning unit up to a cost of £300 plus £55 towards the electricity cost of running the unit for a year.</p> <p>With respect to blackout blinds/curtains, the claimant is directed towards Tideway's blackout blind procedure.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p>

	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	To provide information to the claimant in respect of the blackout blinds procedure.

Item 5	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729133
Relevant Tideway site	Kirtling Street
Decision	Mitigation is PART AWARDED
Details of the award	<p>The claimant and her husband are affected by noise from the operation of the muck bin area and, whilst closing windows reduces the noise, it then results in overheating within the property. The Panel has previously visited Riverlight 6 and has recently been made aware of noise issues related to the operation of the muck bin conveyor system and has reviewed photographs provided.</p> <p>With respect to dust from the site, the ICP notes that the material in the muck bin area is predominantly damp and that there are limited opportunities for dust to arise from the rest of the Kirtling Street site and therefore an award of a robot cleaner is not approved.</p> <p>It is not considered that an award of a respite holiday/break away is appropriate as the claimant has not demonstrated any special or medical circumstances.</p> <p>The Panel has very carefully considered the claim alongside other information related to noise which has been made available to the Panel and therefore makes an award as requested of an air conditioning unit to a maximum cost of £300, plus £55 towards the electricity cost of running the unit for a year. Additionally, two pairs of noise cancelling headphones to a maximum cost of £100/pair are awarded to assist with working from home.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p>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 6	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729136

Relevant Tideway site	Kirtling Street
Decision	Mitigation is PART AWARDED
Details of the award	<p>The claimant and his wife have lived at the property since 2017 and say the noise has got worse recently particularly fan noise from the office building, machinery work, trucks and traffic during the day. They work at home and find it difficult to work because of noise and heat, with the windows closed and are having sleep difficulties. They are requesting an air purifier and air conditioner; that the lights in the site offices are turned off at night or blackout blinds are used in the offices and financial support for the extra electricity bills. Given that it will be difficult to control light use in the offices, blackout blinds for the apartment may be a better form of mitigation.</p> <p>The Panel does not consider that dust from the site activities at that elevation would be at such a level as to require an air purifier unit and therefore the Panel has not made an award in respect of that item.</p> <p>The Panel makes an award of an air conditioning unit to the cost of £300 and an award of £55 towards the electricity costs of running the unit for a year.</p> <p>Noting the light intrusion that the claimant has identified, the claimant is directed towards Tideway's blackout blind procedure.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Tideway to provide information to the claimant in respect of the blackout blinds procedure.

Item 7	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729131
Relevant Tideway site	Kirtling Street
Decision	Mitigation as requested AWARDED
Details of the award	<p>The claimant and partner report that noise from the site is causing them sleep disturbance. They have to close their windows because of the noise and then cannot sleep because of the heat. They find it difficult to have work meetings at home because of the noise. They are requesting the costs of providing air conditioning, noise cancelling headphones and any other 'standard provisions'.</p> <p>The Panel is aware of the noise issues at the site and therefore makes an award of two air conditioning units to the cost of £300 each and an award of £110 towards the electricity costs of running the units for a year. Additionally, two pairs of noise cancelling headphones to a maximum cost of £100/pair are</p>

	<p>awarded to assist with working from home. There are no other standard provisions which would apply to this claim.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>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 8	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729149
Relevant Tideway site	Carnwath Road
Decision	Mitigation decision is DEFERRED
Details of the award	<p>The claimant lives across the river from the CARRR site and hence located at quite some distance from the site and with an oblique view of the site. He and his flatmate are complaining of sleep disturbance due to noise from the barges loading and are requesting two air conditioning units.</p> <p>The Panel does not have any noise data for this location and have not visited this location to inform its understanding of noise issues in this area. Therefore, a decision is deferred until such time as that information, which has been requested, becomes available from Tideway.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>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	Noise predictions for this location in respect of present site activities.

Item 9	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-ZZ-ZZ-729151
Relevant Tideway site	Chambers Wharf
Decision	Respite is in PART AWARDED
Details of the award	This site has seen a change in the function of the ventilation fan on the side of the acoustic enclosure. Formerly it sucked air in but now it blows air out and since May 7 th , 2020 this is accompanied by low frequency noise that the claimant and his spouse find disturbing.

	<p>Measures have been taken by Tideway to reduce the noise, but these do not seem to have helped. The claimant reports loss of sleep, sleep disturbance, anxiety about the noise and the potential effects of the sleep loss and that they are both exhausted. This noise is present continuously and they find it challenging to work during the day after sleep disturbance related to the noise exposure. It is due to last for another two months. They are requesting temporary overnight accommodation close to their current property where they are working from home.</p> <p>The Panel has reviewed the noise report and note the levels of low frequency noise (LFN) experienced at the claimant's property. Additionally, the ICP Chair has discussed the issue with a representative of CVB. The Panel understand that the LFN issue could continue for several more weeks.</p> <p>The Panel makes an award of overnight accommodation until such time as the LFN noise ceases or is mitigated.</p> <p>It should be noted that the ICP does not make awards of financial compensation except in respect of business losses or loss of rent and therefore financial compensation is not awarded.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>The ICP is to be informed as to when the existing ventilation issues and LFN either cease or are mitigated.</p>

Item 10	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729145 and video 2350-TDWAY-TTTUN-990-ZZ-ZZ-729146</p>
<p>Relevant Tideway site</p>	<p>Kirtling Street</p>
<p>Decision</p>	<p>Mitigation is in PART AWARDED</p>
<p>Details of the award</p>	<p>The claimant and his family report being disturbed by dust, noise and light pollution from the site which is having a 'mental cost' on the family. Two family members suffer from hayfever which is exacerbated by dust exposure, causing increased levels of anxiety, distress and affliction. He is requesting blackout blinds, four sets of noise cancelling headphones, air conditioning units and filters plus payment for excess electricity costs, payment for increased cleaning services, the costs for respite breaks for daily activities away from home and holidays and costs of professional counselling for the children.</p> <p>The Panel does not consider that dust from the site activities is at such a level as to require air purifier units and therefore the Panel has not made an award in respect of these items. Additionally, the</p>

	<p>request for financial compensation for the costs of increased cleaning services is not awarded.</p> <p>The Panel has considered the request for daily respite and holiday respite; however, it does not consider that there are any special circumstances for which such an award would be made.</p> <p>The Panel has considered the request for counselling; however, such an award could only be considered if an appropriate report was made available from a mental health or medical practitioner.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an award of three air conditioning units to the cost of £300 each and an award of £165 towards the electricity costs of running the units for a year. Additionally, four pairs of noise cancelling headphones to a maximum cost of £100/pair are awarded to assist with working from home including the children’s home schooling arrangements.</p> <p>Noting the light intrusion that the claimant has identified, the claimant is directed towards Tideway’s blackout blind procedure.</p> <p><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>Tideway to provide information to the claimant in respect of the blackout blinds procedure.</p>

Item 11	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729142</p>
<p>Relevant Tideway site</p>	<p>Kirtling Street</p>
<p>Decision</p>	<p>Mitigation is AWARDED</p>
<p>Details of the award</p>	<p>The claimant reports that the noise causes frequent disturbance to her sleep, concentration and stress on a daily basis and that the noise from the site has got progressively worse and they are woken at night multiple times. She reports that this is having detrimental effects on their health and mental health. The claimant is also concerned that this may affect the value of the property and is asking for ‘compensation to mitigate’ the noise/heat and light pollution in their flat.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an award of two air conditioning units to the cost of £300 each and an award of £110 towards the electricity costs of running the units for a year.</p> <p>The claimant has requested information with respect to the value of their property should they wish to sell the property. The Non-statutory Off-site mitigation and compensation policy allows for, at</p>

	<p>Section 1.1.7 point e. ii, an offer of financial compensation to cover a temporary reduction in the value of property. Accordingly, at the point of sale during the works, a claim could potentially be made; however, that would need to be supported by valuation information with respect to the value of the property with and without the site activities in place. There is also an Exceptional Hardship Procedure in place which can be used if there is difficulty in selling a property at anything other than a reduced price:</p> <p>https://www.tideway.london/media/2085/exceptional-hardship-procedure.pdf</p> <p>The Panel suggests that with respect to any issues surrounding the sale of the property whilst the site remains active, that the claimant engages with Tideway's Senior Manager (Property).</p> <p>Noting the light intrusion that the claimant has identified, the claimant is directed towards Tideway's blackout blind procedure.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p>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>Tideway to provide information to the claimant in respect of the blackout blinds procedure.</p>

Item 12	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729147</p>
<p>Relevant Tideway site</p>	<p>Hammersmith Pumping Station</p>
<p>Decision</p>	<p>Mitigation is AWARDED</p>
<p>Details of the award</p>	<p>The claimant has been in lockdown with her daughter since March 17th 2020 and is now with her partner who was unable to return to the property until recently. She has been very distressed by the noise and vibration which is interfering with her work and her daughter's home schooling. She says she has been stressed and worried by the noise and vibration and is requesting noise cancelling headphones and financial compensation as well as Tideway reducing noise and vibration levels.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an offer of an award of three air conditioning units to the cost of £300 each and an award of £165 towards the electricity costs of running the units for a year.</p> <p>Additionally, three pairs of noise cancelling headphones to a maximum cost of £100/pair are awarded to assist with working from home including the daughter's home schooling arrangements.</p>

	<p>The Panel note the general comments about how the site activities are managed and understand that Tideway has communicated these issues to the contractor.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 13	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729152
Relevant Tideway site	Kirtling Street
Decision	Mitigation is AWARDED
Details of the award	<p>The claimant is finding it increasingly difficult to work from home and sleep because of the heat in the flat, the noise and increased light levels since works restarted. He recently became overheated in the flat and developed a heat rash. He says he is uncomfortable and frustrated and finding that things that are usually straightforward are taking more time because of the heat. He is requesting an air conditioning unit with a water cooled condenser and blackout blinds.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an award as requested of an air conditioning unit to the cost of £300 and an award of £55 towards the electricity costs of running the unit for a year. Noting that the claimant is presently working from home, the Panel also makes the offer of an award of a pair of noise cancelling headphones up to a cost of £100.</p> <p>Noting the light intrusion that the claimant has identified, the claimant is directed towards Tideway's blackout blind procedure.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Tideway to provide information to the claimant in respect of the blackout blinds procedure.

Item 14	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729141

Relevant Tideway site	Kirtling Street
Decision	Mitigation is in PART AWARDED
Details of the award	<p>The claimant and flatmate report being disturbed by noise, dust and light pollution from the site. There is no reported medical evidence. His claim was reviewed by the ICP in January this year and the claimant is now seeking a second air conditioning unit, noise cancelling headphones for him and his flatmate and balcony and window cleaning. He says the build-up of dust dramatically decreased when working on site stopped but is starting up again now.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an award as requested of an additional air conditioning unit to the cost of £300 and an award of £55 towards the electricity costs of running the unit for a year. Noting that the claimant and his flat mate are presently working from home, the Panel also makes an award of two pairs of noise cancelling headphones up to a cost of £100/pair.</p> <p>For the reasons identified in the Panel’s decision on the 13th January 2020, no award is made for the cleaning of the windows or the balcony.</p> <p><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 15	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729143
Relevant Tideway site	Kirtling Street
Decision	Mitigation is AWARDED
Details of the award	<p>The claimant and his partner report that the flat gets very hot when they have to close the windows to keep out the noise. He is requesting an air conditioning unit with running costs.</p> <p>The Panel is fully aware of the noise issues at the site and therefore makes an award as requested of an air conditioning unit to the cost of £300 and an award of £55 towards the electricity costs of running the unit for a year.</p> <p><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>

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

Item 16	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729144
Relevant Tideway site	Hammersmith Pumping Station
Decision	Mitigation is AWARDED
Details of the award	<p>The claimant reports being disturbed all day long by the noise of drilling, sawing, and 'quite loud people'. She says being woken at 8 am by drilling is 'extremely unpleasant'. She also complains of dust and says it is very hot when she closes her windows. She is requesting an air purifier and noise cancelling headphones.</p> <p>The Panel is aware of the noise issues associated with this site and in line with similar awards makes an award of an air conditioning unit to the cost of £300 and an award of £55 towards the electricity costs of running the unit for a year. It should be noted that the Panel consider that an air conditioning unit will allow the claimant to keep windows closed whilst reducing the temperature in her apartment and is preferable to an air purifying unit.</p> <p>Noting that the claimant is presently working from home, the Panel makes an award of a pair of noise cancelling headphones up to a cost of £100.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

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

Signed

Date 25 June 2020

Graham Parry

Chair, Independent Compensation Panel