

INDEPENDENT COMPENSATION PANEL

MEETING #160 MINUTES

Purpose:	To determine compensation, special and medical case claims.
Date and time:	Tuesday 9 September 2020 – 0900hrs to 1400hrs
Location:	Video conferences
Panel Members:	Graham Parry (Chair) Chris Kench (Compensation) (Items 1 to 5) Richard Pugh (Compensation) (Items 1 to 5) Phil Evans (Noise & Vibration) (Items 6 to 9) Stephen Stansfeld (Medical) (Items 6 to 9)
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 'FLO' means Ferrovia Laing O'Rourke
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-729553

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729549 .
Relevant Tideway site	Kirtling Street
Decision	DEFERRED for further information
Details of the award	In order to consider the claim further, the Panel needs evidence of all the costs that make up the claim. Whilst the summary of the claim is helpful, it needs to refer to evidence to support each element of the claim. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions. https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf
Further information required/actions arising	The Panel requires more detailed information from the claimant to determine the claim.
Information/action requested from Tideway	Tideway to liaise with the claimant

Item 2	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729548 .
Relevant Tideway site	Chambers Wharf
Decision	Requested loss of rent AWARDED
Details of the award	<p>The applicant provided confirmation of a letting agreement for the property for a period of four weeks over the summer period. This is a significant reduction on the time the flat has been let in previous summers, however, from the correspondence provided it is clear this is as a result of the worldwide Covid 19 pandemic, not the Tideway works.</p> <p>The period the property is normally let coincided with the Covid 19 pandemic which has led to restrictions on travel and closure of many facilities. The correspondence provided with the claim seems to indicate that the agent always felt there would be a problem letting the flat this year due to the pandemic.</p> <p>The ICP therefore considers that it can only compensate for the period when the property was actually let. This is in line with claims made for previous years. The Panel has not allowed for any void period in the past.</p> <p>This claim is for reduction in rent attributed to the Tideway works during the period the property was available to let but, of that period, the time when it was not let was in the opinion of the ICP, due to Covid 19. The causation of the reduction in rent during the period when the property was let is accepted by the Panel given the close proximity of this property to the Chambers Wharf worksite.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</p>
Further information required/actions arising	The Panel requires sight of the agreement the claimant has with the agent
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-729549 .
Relevant Tideway site	Kirtling Street & Heathwall
Decision	Compensation approach is APPROVED
Details of the award	The ICP were requested to review the proposed mitigation approach being recommend by FLO for houseboats at Tideway Dock in response a report submitted by FLO 'Tideway Dock Update Report, February 2020'.

	In the opinion of the Panel the approach is consistent with the methodology adopted at Nine Elms Pier and the Panel do not consider that the claimants are being disadvantaged by the proposed compensation approach.
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-729551 .
Relevant Tideway site	King Edward Memorial Park Foreshore
Decision	Requested loss of rent AWARDED
Details of the award	<p>The claimant demonstrated a similar loss for the year 2020-2021 to that suffered in 2019-20.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</p>
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-ZZ-729549 .
Relevant Tideway site	Falconbrook
Decision	AWARD DEFERRED
Details of the award	<p>The Panel has reviewed the audio evidence and has considered the evidence put forward by the claimant.</p> <p>The main problem appears to have occurred because of a communication issue and a genuine misunderstanding from the claimant that the drilling works were due to finish before they did. The wording used in the correspondence is ambiguous ('finishing over the weekend by Monday') such that the claimant took this to mean it would be finished and allow him to work on the Monday. The misunderstanding has resulted in abortive costs. Whilst this sum is modest in order for the ICP to make a compensation award, the Panel require details of the rates adopted either in terms of invoices or agreed terms.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p>

	https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf
Further information required/actions arising	Invoice details or agreed terms to be provided by claimant.
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-729533 .
Relevant Tideway site	Chambers Wharf
Decision	Requested respite is NOT AWARDED
Details of the award	<p>The Panel is aware of the various health issues that the family experience. The claimant is finding it difficult to tolerate the vibration from the site and finds that the noise keeps her awake.</p> <p>The Panel has considered the latest noise monitoring and air quality reports for the area and has also carried out a recent visit around the construction site area. The Panel is also aware of various noise complaints which have been made in the area. The Panel considers that noise should not be an issue at any time as the property has no line of sight of the worksite and the building itself provides a significant barrier to noise from the site. Significant vibration effects from the works would also not be anticipated. The Panel has determined that overall noise and vibration levels would not in themselves justify a claim for respite and therefore no award is made.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.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-ZZ-729554 .
Relevant Tideway site	Chambers Wharf
Decision	Requested respite is NOT AWARDED
Details of the award	<p>The Panel has considered the latest medical evidence provided together with noise and air quality monitoring reports for the area and has also carried out a recent visit around the construction site area. The Panel is also aware of various noise complaints which have been made in the area.</p>

	<p>The Panel considers that noise should not be an issue at any time as the property has no line of sight of the worksite and the building itself provides a significant barrier to noise from the site. Significant vibration effects from the works would also not be anticipated. The Panel has determined that overall noise and vibration levels would not in themselves justify a claim for respite and therefore no award is made.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.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-729555 .
Relevant Tideway site	Chambers Wharf
Decision	Requested respite is AWARDED
Details of the award	<p>At Chambers Wharf, there has been a change in the function of the ventilation fan on the side of the acoustic enclosure. The claimants' previous claim was heard by the ICP on the 23rd June 2020 and an award of overnight accommodation until such time as the LFN noise ceases or is mitigated was made.</p> <p>In September 2020, the claimant has come back to the Panel to request overnight respite near their home. The claimants are still experiencing a low pulsing resonance noise from the site across the river which they find extremely disturbing. The claimants had previously identified that the low frequency noise is only an issue for them late at night when the ambient noise levels are low.</p> <p>The Panel has determined that, adopting a precautionary principle, it awards overnight respite accommodation until such time as it receives a further noise monitoring report from the contractors' acoustic consultants. At that time, the Panel will review the noise report to determine whether respite should continue.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	Tideway to forward the latest noise monitoring report for LFN when it becomes available.

Item 9	Notes for the record
Applicant Reference	The Panel considered the previous information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729269 and subsequent correspondence
Relevant Tideway site	Kirtling Street
Decision	Requested mitigation is AWARDED
Details of the award	<p>The claimants have requested a further unit for the 2nd bedroom which they had omitted from their original request.</p> <p>The Panel makes an award of a portable air conditioning unit (water reservoir type) to a maximum cost of £300 and £55 towards the running costs for electricity for a year.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</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

Graham Parry
Chair, Independent Compensation Panel

Date 15 September 2020