

# INDEPENDENT COMPENSATION PANEL

## MEETING #162 MINUTES

<b>Purpose:</b>	To determine medical, special cases and compensation claims.
<b>Date and time:</b>	Tuesday 13 October 2020 0900 - 1000 – Compensation cases (via Microsoft Teams) 1030 – 1345 – Medical and Special cases (via Zoom)
<b>Location:</b>	Video Conference
<b>Panel Members:</b>	Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (Medical) Chris Kench & Richard Pugh (Compensation Specialists)
<b>Abbreviations:</b>	'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
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-729924

Item 1	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729604</b>
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>DEFERRED</b>
<b>Details of the award</b>	<p>The Panel was unable to determine the claim as the information provided by the claimant was somewhat confusing and relied on a number of potentially conflicting descriptions of the losses incurred.</p> <p>The Panel are keen however to settle the claim and will provide a template document to the claimant to itemise the claim which should allow the claim to be settled for this year.</p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>Tideway to send the template document to the claimant.</b>

Item 2	Notes for the record
<b>Applicant Reference</b>	The Panel considered the additional information requested by the Panel on 22 September 2020 in Info Pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729603</b>
<b>Relevant Tideway site</b>	Falconbrook
<b>Decision</b>	<b>Compensation AWARDED</b>
<b>Details of the award</b>	<p>Following previous decisions of the Panel, sufficient evidence has now been provided to enable the claim to be considered and an award made.</p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 3	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729917</b>
<b>Relevant Tideway site</b>	Carnwath Road
<b>Decision</b>	<b>Financial compensation NOT AWARDED</b>
<b>Details of the award</b>	<p>The claimant reports that noise, dust and vibration felt from the site are causing "severe issues" and contributing to her daughter's health issues.</p> <p>It is most unlikely at the current time that dust emissions from the site are or have ever been so significant as to result in significant dust deposition in the area which is upwind of the site.</p> <p>Members of the ICP have previously visited the area adjacent the claimant's property and are also aware of the activities at the Carnwath Road site. The Panel notes that the claimant's property is at a significant distance from the main construction site activities and is upwind of the site such that where dust arises, it will mainly disperse to the east of the site. The Panel understands that the reinstatement of the river walk footpath has been completed by the Council and, accordingly, the Panel does not consider that dust from construction activities is such as to require the pressure washing of surfaces on the claimant's property or of the paving. It should be noted that the Panel does not award retrospective financial compensation except for business losses or in very exceptional circumstances.</p> <p><b>For the above reasons the Panel does not award the financial compensation which was requested.</b></p>

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

<b>Item 4</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729918</b>
<b>Relevant Tideway site</b>	Hammersmith Pumping Station
<b>Decision</b>	<b>Mitigation AWARDED</b>
<b>Details of the award</b>	<p>The claimants are struggling to work from home because of exposure to noise and vibration. They were previously awarded two sets of noise cancelling headphones and an air conditioning unit with running costs. They are now reporting that they are struggling to work from home because of the noise, which has become worse since the site works have moved closer to their apartment. They are requesting access to external office space at a co-working facility.</p> <p>The Panel reviewed the information pack and noted the location of the claimant's property with respect to the various construction activities at the site. The Chair of the ICP had previously reported to the other Panel members the level of noise experienced at another property at the location. The Panel is aware that the claimants have been working from home.</p> <p><b>The Panel has determined that the claimants be awarded the costs for six months access to the co-working facility (costs to be agreed with Tideway) in order to facilitate working away from their home.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b>  <b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>Item 5</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729919</b>
<b>Relevant Tideway site</b>	Hammersmith Pumping Station
<b>Decision</b>	<b>Part AWARDED</b>

<p><b>Details of the award</b></p>	<p>The claimant is complaining of noise and dust and feels these are having an adverse effect on her ability to work and sleep since lockdown started in March 2020. She particularly mentions experiencing severe vibrations in her flat at the beginning of May and recently in September at 23:45 hrs. She is also concerned about the extended working hours on the site. She reports disturbed sleep, anxiety and worry, inability to focus while working, often being unable to take work calls because of noise, inability to open windows because of the noise, high and constant levels of dust, cracks in the walls and ceiling, dust on the balcony, balcony furniture and windows.</p> <p>The Panel is aware of the location of the claimant's property in relation to the on-going construction works and has reviewed the information pack and the current s.61 for the site. The Chair of the ICP had previously visited the building and it is the case that the Panel does not consider that dust or air quality impacts from the site are such as to warrant an air purifier system or the cleaning of the balcony or windows.</p> <p>The claimant has stated that there are cracks in the wall and ceiling which she associates with the various construction site activities. The ICP directs the claimant to engage with the contractors to determine this aspect of her claim which sits outside the Panel's remit.</p> <p>The claimant has requested monetary compensation; however, it should be noted that the Panel does not award financial compensation except for business losses or in very exceptional circumstances.</p> <p><b>The Panel determined that no award is made for fans or cleaning services. An award of financial compensation is not made.</b></p> <p><b>The Panel however determined that, in line with similar awards, an offer of an air conditioning unit (of the water reservoir type) to a maximum cost of £300 plus electricity costs of £55 for one year and noise cancelling headphones to a maximum cost of £100 is made to facilitate working from home.</b></p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></p>
<p><b>Further information required/actions arising</b></p>	<p>None</p>
<p><b>Information/action requested from Tideway</b></p>	<p><b>To remind the contractors to only work during their consented hours.</b></p>

Item 6	Notes for the record
<p><b>Applicant Reference</b></p>	<p>The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729920</b></p>
<p><b>Relevant Tideway site</b></p>	<p>Chambers Wharf</p>
<p><b>Decision</b></p>	<p><b>Respite AWARDED</b></p>

<p><b>Details of the award</b></p>	<p>The claimant's health issues are known to the Panel. In July 2020 she reported that she and her family were severely distressed by noise and says her mental health is deteriorating and finds she cannot sleep or eat because of worry. She requested a respite holiday for herself and her household. Her case was considered at the ICP meeting on July 28th 2020 and a decision was deferred pending further medical information and proof of residence for the occupants of her housing. The Panel was originally minded to not award a respite holiday for the family as the installation of the sound insulation package which she declined would have mitigated any noise impacts that they experience. The requested additional information was subsequently provided and reviewed by the Panel.</p> <p><b>The Panel has determined that, on a precautionary basis, the claimant is awarded a one week respite holiday to be taken in 2020. The award is not extended to other family members unless the claimant can provide justification as to why this should be the case, e.g. childcare arrangements.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<p><b>Further information required/actions arising</b></p>	<p><b>None</b></p>
<p><b>Information/action requested from Tideway</b></p>	<p><b>None</b></p>

<p><b>Item 7</b></p>	<p><b>Notes for the record</b></p>
<p><b>Applicant Reference</b></p>	<p>The Panel considered low frequency noise information provided by Tideway.</p>
<p><b>Relevant Tideway site</b></p>	<p>Chambers Wharf</p>
<p><b>Decision</b></p>	<p><b>Respite ceased</b></p>
<p><b>Details of the award</b></p>	<p>The claimants had previously been awarded temporary accommodation due to low frequency noise effects at their property. Noise monitoring reports for the Chambers Wharf site for the period 3rd August to 7th September 2020 indicate no exceedances of the s.61 or TAP limit values. A recent report provided by Sixense (Document Reference: SIX-CVB-SD1268-RPT-0180-01, dated 28/09/2020) indicates that low frequency noise is no longer audible in the vicinity of the property.</p> <p><b>The Panel has determined that, as low frequency noise is not presently occurring, the award of temporary accommodation should now cease subject to appropriate arrangements with Tideway.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p>

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

Item 8	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729916</b> together with 8 videos
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>Respite AWARDED</b>
<b>Details of the award</b>	<p>The claimant's health issues and those of her family are known to the ICP.</p> <p>She says there is still dust and very noisy lorries from the site sometimes as early as 05:45 hrs (supported by video evidence). The claimant has been reporting disturbance in a series of distressed emails in September and October 2020 and says that the noise is affecting her mental health. The claimant is requesting respite days away from the site with her children especially for school holidays.</p> <p>The Panel has reviewed the videos which have been provided which are mainly focussed on HGV associated noise which whilst recently occurring at unsocial hours is of relatively limited duration.</p> <p><b>The Panel has however determined that the claimant and all family members resident at the property should be awarded, on a very precautionary basis, one week's respite holiday or seven respite days to be taken in 2020.</b></p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 9	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729941</b>
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>AWARD OFFERED</b>
<b>Details of the award</b>	The claimant is reporting that noise from the site during the day and night is disturbing her whilst working from home and when trying to

	<p>sleep. She is also disappointed that the crane will be in place for the next 2 - 3 years and is asking for it to be removed.</p> <p>The Panel subsequently reviewed the s.61 application and note that it identifies the need for night working due to restrictions placed on the working hours by TfL. The Panel notes that the predictions within the s.61 go through to the end of October 2020 but it is anticipated that there will have been some slippage in that programme due to COVID-19.</p> <p>The Panel requires from Tideway an update on the status of the s.61 and any dispensations that have been granted. It should be noted by the claimant that the ICP does not have any powers with respect to how the site is worked, at what times or for how long.</p> <p><b>The Panel determined that in order to assist the claimant with working from home it would offer an award of noise cancelling headphones to a maximum cost of £100.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<p><b>Further information required/actions arising</b></p>	<p><b>None</b></p>
<p><b>Information/action requested from Tideway</b></p>	<p><b>The Panel requires from Tideway an update on the status of the s.61 and any dispensations that have been granted.</b></p>

<p><b>Item 10</b></p>	<p><b>Notes for the record</b></p>
<p><b>Applicant Reference</b></p>	<p><b>A previous information pack was reviewed and the request to amend the award.</b></p>
<p><b>Relevant Tideway site</b></p>	<p>Chambers Wharf</p>
<p><b>Decision</b></p>	<p><b>Previous decision ratified</b></p>
<p><b>Details of the award</b></p>	<p>A respite break of four days for the family was awarded by the ICP at the meeting on 22 September 2020. By way of email, the Claimant requested that this be amended to four separate days out as she was finding it difficult to find something suitable.</p> <p>The Panel agreed that the Claimant could have four days out as long as they fall within the guidelines related to cost. The purpose of providing a break was to ensure that the claimant and her family achieved a reasonable degree of respite away from the works which has been disturbing them. This was communicated by an email from Tideway to the claimant. <b>The Panel ratified this decision.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<p><b>Further information required/actions arising</b></p>	<p><b>None</b></p>

<b>Information/action requested from Tideway</b>	<b>None</b>
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed

**Graham Parry**  
*Chair, Independent Compensation Panel*

Date 24 October 2020