

INDEPENDENT COMPENSATION PANEL

MEETING #218 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 25 October 2022 – 1030hrs to 1130hrs
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Stephen Stansfeld (Medical) Phil Evans (Noise)
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-738389

Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738380 plus 4 videos
Relevant Tideway site	Kirtling Street
Decision	AWARDED
Details of the award	<p>The Panel is aware of the health circumstances of the claimants. The current s.61 for the Kirtling Street site has been reviewed which covers the period from the 23rd of June 2022 to the 31st of May 2023. Upcoming works were reviewed in detail.</p> <p>The s.61 identifies that construction noise levels are predicted to be at or below the ambient noise level until the end of the s.61 in May 2023.</p> <p>It appears to the Panel that it is occasional extraneous works which are causing disturbance issues.</p> <p>The Panel has very carefully considered the claimants requests and is also aware of their health issues and has therefore determined to award them, as a precautionary measure, 2 days respite a week each at the standard rate until the end of January 2023, at which time the Panel will assess the site activities again.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>

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

Item 2	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738379 plus 4 videos
Relevant Tideway site	Chambers Wharf
Decision	AWARDED
Details of the award	<p>The claimant's family situation and health issues is known to the Panel. Her claim follows a decision at the ICP meeting on the 27th of September 2022 to decline to award respite. This is a renewed claim for respite. The Panel has viewed four videos and noted that when the windows were open one video included very loud banging noises. The Panel also received proof of an ENT appointment and viewed photographs which were provided by the claimant.</p> <p>The Panel is aware of occasionally noisy extraneous events, however it has been observed from various site visits that the site is generally quiet.</p> <p>The previous decision of the ICP was carefully considered and it was determined that, on the basis of the more recent information provided to the Panel, respite should be awarded. Accordingly, an award of respite for all family members resident at the property is made, as a very precautionary measure, of 1 day of respite a week each at the standard rate until the end of January 2023.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></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 3	Notes for the record
Applicant Reference	The Panel considered the information contained in an email from the claimant dated 19 October 2022. The claimant later requested that the video evidence supplied by a neighbour also be used in consideration of her claim.
Relevant Tideway site	Chambers Wharf
Decision	AWARDED
Details of the award	The claimant's family situation and health issues is known to the Panel. Her claim follows a decision at the ICP meeting on the 27 th of September 2022 to decline to award respite. This is a renewed claim

	<p>for respite. The Panel has viewed a video provided and noted the demobilisation activities occurring at the Slurry Treatment Plant.</p> <p>The Panel is aware of occasionally noisy extraneous events, however it has been observed from various site visits that the site is generally quiet.</p> <p>The previous decision of the ICP was carefully considered and it was determined that, on the basis of the more recent information provided to the Panel, respite should be awarded. Accordingly, an award of respite for all family members resident at the property is made, as a very precautionary measure, of 1 day of respite a week each at the standard rate until the end of January 2023.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.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 the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738342 plus several videos
Relevant Tideway site	Hammersmith Pumping Station
Decision	PART AWARDED
Details of the award	<p>The claimant permanently works from home, but recent construction activity has forced him to use off site working facilities. He was previously awarded two sets of noise cancelling earpods at the ICP meeting on the 29th of September 2021.</p> <p>He is now requesting that Tideway pay for his previous and future use of co-worker space. He has provided two videos of activities in the MEICA works area which are close to his flat although the videos appear to identify landscaping works which will be temporary in nature which do not identify internal noise levels.</p> <p>Ongoing works are due to complete in Aug/Sept 2023; however, it is not clear at this present time which of these will be in the MEICA works area. The Panel notes that the request is for retrospective payment of access to co-working locations; however, it should be noted that, except in very exceptional circumstances, the Panel does not make retrospective awards. These circumstances are not considered by the Panel to be exceptional.</p> <p>The Panel has determined to make a precautionary award until the end of 2022 in respect of up to 2 days access a week to a co-working location with the maximum costs to be agreed with Tideway.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p>

	https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 5	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738395
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>The claimant states that the noise from the work has been incessant night and day and has led to a deterioration of their quality of life in the following areas:</p> <ol style="list-style-type: none"> 1. Baby is unable to sleep properly at night; 2. They have become sleep deprived as working parents and cannot hear properly when taking or receiving work call. 3. Wearing earplugs or cancelling earphones is not acceptable or possible as it is not comfortable to sleep and we still need to hear baby crying in the middle of night and comfort him. <p>The claimant is seeking monetary compensation for the impact on their daily lives, although the Panel notes that there does not appear to be any medical issues.</p> <p>It should be noted that the Panel does not provide financial compensation except in the case of business losses.</p> <p>The Panel has considered carefully how it can assist this family and has determined to make an offer of an award of respite for all family members resident at the property, as a very precautionary measure, of 1 day of respite a week each at the standard rate until the end of January 2023.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></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 6	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738394
Relevant Tideway site	Kirtling Street

Decision	PART AWARDED
<p>Details of the award</p>	<p>The claimant states that he has suffered the following:</p> <p>Noise disturbance from the heavy machinery and operations, frequently consisting of engine noise, drilling, loud bangs, vehicle warning sounds, heavy materials dropped on the concrete forecourt, generator noise, conveyor belt noise, workers' voices, and workers continually shutting the metal gates.</p> <p>Light pollution from the many fluorescent floodlights and from the Tideway office building's windows directly opposite my apartment. Bare fluorescent bulbs were also installed outside the office building that are continually left on and emit light through my windows. I always am needing to have the curtains drawn to block the light pollution.</p> <p>Constantly confronted by a general obtrusive appearance of the site directly in front of my unit. The site is always in a state of disorder with temporary buildings, pylons, machinery, cranes, excavation materials and construction equipment lying on the floor.</p> <p>The claimant has reported that the disturbances have become even worse recently as works have been performed more frequently in the middle of the night and the acoustic shed has been removed, leading to louder noise and more machinery on the site.</p> <p>He is seeking monetary compensation on the basis that this would be the only reasonable measure that Tideway could now offer to alleviate the general distress and suffering over this time, and for the time that the disturbances will continue in future.</p> <p>A previous claim was made and considered by the ICP at meeting # 138 in December 2019.</p> <p>No medical issues have been identified to the Panel.</p> <p>It should be noted that the Panel does not provide financial compensation except in the case of business losses.</p> <p>The Panel has considered carefully how it can assist the claimant and has determined to make an offer of an award of respite for the claimant, as a very precautionary measure, of 1 day of respite a week at the standard rate until the end of January 2023.</p> <p>With respect to issues related to light trespass, it is the Panel's understanding that the claimant was previously pointed towards the Tideway 'blackout blind process' and therefore no award is made by the ICP in respect of this aspect of the claim.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

Item 7	Notes for the record
Applicant Reference	The Panel considered the minutes from ICP meeting #209 held on 14 June 2022 which stated: "... <i>Prior to November 2022, the Panel will review the site activities and carry out a visit to the site to understand the on-going level of activities.</i> "
Relevant Tideway site	Carnwath Road
Decision	AWARDED
Details of the award	<p>The Panel is aware of the various medical issues of the claimant. She made a previous claim for respite at the ICP meeting on the 14th of June 2022. The Panel has further reviewed the site activities and the s.61 and the s.61 extension.</p> <p>The Panel has determined that, on a very precautionary basis, taking into account the claimant's health issues, it extends the existing award of one night's respite a week with a carer for a period of three months until the end of January 2023.</p> <p>The Panel anticipates making a visit to the Carnwath Road site in January 2023 to assess the progress on the site and the level of noise disturbance which may be occurring at that time.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 8	Notes for the record
Applicant Reference	n/a
Relevant Tideway site	Putney
Decision	n/a
Details of the award	The contents of a Forensic Accountant's Report dated 5th August 2022 have been noted by the Panel, as has the decision by Tideway to finalise all payments of compensation for loss of business to this claimant in that the interim payments made to date being the full and final settlement.
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 28 November 2022