

INDEPENDENT COMPENSATION PANEL

MEETING #220 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 22 November 2022 – 1000hrs to 1100hrs
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-738604

Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-738596 plus 7 videos
Relevant Tideway site	Kirtling Street
Decision	Part Awarded
Details of the award	<p>The ICP is aware of the personal and health circumstances of the claimants. Previously the Panel, at a meeting held on the 25th October 2022, made an award of respite/person/week until the end of January 2023. The original claim also included a request for a 7 day respite holiday break but this was not awarded.</p> <p>Based upon new site works information which the claimants received, the claimants have come back to the Panel re-requesting the holiday away from the construction works due to the degree of disturbance they are experiencing and the effects that it has on their health.</p> <p>This latest claim has been supported by a number of videos which have been taken at various times during the day and night. The Panel notes that the videos all appear to have been taken from the balcony of the property and therefore it is difficult to judge what the internal noise levels would have been with windows open or closed. The claimants have appealed the failure to grant a holiday for several reasons:</p> <p>1) <i>The latest update from Tideway dated 31/10/2022 was not available at the time. Had this been available and included in its</i></p>

	<p><i>deliberations, the Panel may have well come do a different conclusion regarding our award.</i></p> <p><i>2) The Panel’s assumption in the award notification was that ‘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.’ Judging by the noise levels, experienced during these past few days, which reached 95 decibels at times, this assumption was clearly incorrect.</i></p> <p><i>3) It is clear from this latest update from Tideway that inevitably substantial noise will be generated from these latest stages of works, possibly exceeding anything experienced to date. According to this latest update from Tideway, it seems that these works at the Tideway site will be particularly noisy during November and December 2022.’</i></p> <p>The Panel has noted that a screenshot of a Noise App appears to identify very high levels of construction noise; however, it is the case that the Panel place very little reliance on such evidence as it is essentially an uncalibrated noise measurement system.</p> <p>Recognising the health issues of the claimants, the Panel has determined to make a very precautionary award of a respite holiday for 4 days for both claimants to be taken prior to the end of January 2023.</p> <p>It should be noted that the previous award will remain in place until the end of January 2023. If further claims come before the Panel, it is highly likely that we would require a home visit 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>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

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

Signed

Date 28 November 2022

Graham Parry
Chair, Independent Compensation Panel