

# INDEPENDENT COMPENSATION PANEL

## MEETING #251 MINUTES

<b>Purpose:</b>	To determine medical, special cases and compensation claims.
<b>Date and time:</b>	13 February 2024: 10.00 – 11.00 - Special & Medical cases (Zoom) (pre-meeting call 7 February 08.30 – 09.30 – Compensation cases (Teams))
<b>Location:</b>	Video Conference
<b>Panel Members:</b>	Graham Parry (Chair) Stephen Stansfeld (Medical) Phil Evans (Noise) Chris Kench & Richard Pugh (Compensation)
<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>	<b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739797</b>

Item 1	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739773</b>
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>AWARDED</b>
<b>Details of the award</b>	<p>The claimant's family situation and health issues are well understood and fully documented by the Medical Specialist. The family have had ongoing awards for some time.</p> <p>At ICP meeting # 247 on the 12<sup>th</sup> of December 2023, an award of respite was made <b><i>until the end of February 2024 at the standard rate.</i></b></p> <p>The claimant reports ongoing disturbance from the noise day and night and continuous deliveries early morning and late at night. This is due to continue for the following months due to removal of the acoustic shed.</p> <p>The claimant is requesting:</p> <ul style="list-style-type: none"> <li>• Continuation of the award made on the 12<sup>th</sup> of December 2023 for respite until the end of February 2024 now until the end of June/July 2024 for all family members.</li> <li>• Additional respite during the school holidays.</li> </ul> <p><i>No additional or supporting information is provided.</i></p>

	<p>The site update from MC dated 31<sup>st</sup> January 2024 and the programme update of the 5<sup>th</sup> of February 2024 were taken into consideration.</p> <p><b>The Panel recognises that works are continuing with some out of hours deliveries and the Panel is aware of the further noisy works to come. The Panel has visited the site on numerous occasions and most recently on the 25<sup>th</sup> January 2024 when there was a very limited level of activity on the site. The Panel has however determined to extend the existing respite until the end of July 2024. Additionally, for the two-week Easter school holiday an additional day of respite per week is awarded for all family members.</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>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 2	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739772</b>
<b>Relevant Tideway site</b>	Kirtling Street
<b>Decision</b>	<b>PART AWARDED</b>
<b>Details of the award</b>	<p>The claimants’ medical and claims history are well known. The claimants’ medical problems are ongoing.</p> <p>At ICP meeting # 247 on the 12<sup>th</sup> of December 2023, <b><i>an award of respite was made for the claimants for the month of January 2024. The award is at the standard rate.</i></b></p> <p>The claimants have been informed that the works at the site will not be complete until the end of March 2024 hence they are now making a further claim.</p> <p>The claimants are requesting:</p> <p><i>a. Continuation of the existing respite for 2 persons until 31/03/2024.</i></p> <p><i>b. consideration for the provision of a 7-night vacation award as a final award by ICP in recognition of the disruption to our lives during this period.</i></p> <p><b>The Panel is aware that from a very recent site visit on the 25<sup>th</sup> January 2024 and information in respect of the site activities, that work at the site is minimal and hence disturbance may only occur for limited times. Based on the low level of construction activity at the site, which the Panel has viewed recently, but as a precautionary measure in respect of the claimant’s health respite at the standard rate is awarded until the end of March 2024. The Panel considered the request for a 7-night vacation,</b></p>

	<p>however considered that the claimants had previously been adequately compensated for the effects and impact of the site and therefore no vacation award is 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>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 3	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739772</b>
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>AWARDED</b>
<b>Details of the award</b>	<p>The claimant's family and their personal circumstances and health issues are well known to the Panel. They have historically had various claims for respite and other mitigation allowed.</p> <p>At ICP meeting # 248 on the 19<sup>th</sup> of December 2023, an award of respite was made <b><i>for each family member usually resident at the property commencing January 2024 until the end of February 2024. The award is at the standard rate.</i></b></p> <p>The claimant is now requesting an extension to this award until June 2024 including any upcoming school holidays.</p> <p>The site update from MC dated 31<sup>st</sup> January 2024 and the programme update of the 5<sup>th</sup> of February 2024 were taken into consideration.</p> <p><b>The Panel recognises that works are continuing with some out of hours deliveries and the Panel is aware of the further noisy works to come. The Panel has visited the site on numerous occasions and most recently on the 25<sup>th</sup> January 2024 when there was a very limited level of activity on the site. The Panel has however determined to extend the existing respite until the end of July 2024. Additionally, for the two-week Easter school holiday an additional day of respite per week is awarded for all family members.</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>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 4	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739780</b>
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>AWARDED</b>
<b>Details of the award</b>	<p>The claimant and her family’s health and personal circumstances are well known to the Panel and fully described by the Medical Specialist. The claimant has a long history of claims going back to November 2016.</p> <p>At ICP meeting # 231 on the 27<sup>th</sup> of June 2023, the claimant was awarded <b><i>respite for all family members ordinarily resident at the claimant’s property. The respite is at the standard rate until the end of September 2023.</i></b></p> <p>Due to the ongoing disturbance to the children’s home schooling and some sleep disturbance, the claimant is seeking some days respite until the Easter holidays 2024.</p> <p>The site update from MC dated 31<sup>st</sup> January 2024 and the programme update of the 5<sup>th</sup> of February 2024 were taken into consideration.</p> <p><b>The Panel recognises that works are continuing with some out of hours deliveries and the Panel is aware of the further noisy works to come. The Panel has visited the site on numerous occasions and most recently on the 25<sup>th</sup> January 2024 when there was a very limited level of activity on the site. The Panel has however determined to make a respite award until the end of July 2024. Additionally, for the two-week Easter school holiday an additional day of respite per week is awarded for all family members.</b></p> <p><b>Additionally, if the <u>children who are home schooling</u> would like to use noise cancelling headphones for their on-line courses, then noise cancelling headphones are awarded to a maximum cost of £100/set.</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>
<b>Further information required/actions arising</b>	None
<b>Information/action requested from Tideway</b>	None

Item 5	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739771</b> plus 3 videos
<b>Relevant Tideway site</b>	Carnwath Road

<b>Decision</b>	<b>AWARDED</b>
<b>Details of the award</b>	<p>The Panel is aware that Tideway is already in the process of initiating the procedure for the provision of black out blinds.</p> <p>The current s.61 lists the building as non-residential although the Panel is aware that it is now residential.</p> <p>At ICP meeting # 237 on the 12<sup>th</sup> of September 2023 an award was made until the end of December 2023.</p> <p>Two photos of ongoing works have been provided and there are three videos which do show construction activity occurring at a similar level to the claimant's flat and/or that the property has views over the site hoarding.</p> <p>There is limited information available to the Panel for the CARRR site. The programme update of the 5<sup>th</sup> of February 2024 was taken into consideration and from P06 (September 2023) PMP Temporary Works Removal programme, it would appear that works are programmed until May 2024.</p> <p><b>The Panel is aware of the on-going construction activity and therefore extends the previous award, from the date of this decision, until the end of May 2024.</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>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>Item 6</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered the information contained in pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-739783</b> which includes an email from the ICC to the claimant dated 19 January 2024
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>PART AWARDED</b>
<b>Details of the award</b>	<p>The ICP reconsidered the claim made by the claimant for loss of rent, following the appeal to, and the decision of, the ICC.</p> <p>The ICP considered that the matter was essentially a difference of valuation opinion and given the outcome of the appeal to the ICC, the ICP has reconsidered the case and all the information available to it, including the additional information provided by the claimant.</p> <p>The claimant suggested in her email of 22 January 2024 to the ICP appeal that the ICP had 'questioned the professionalism of one of London's premier agencies without foundation...'. The ICP has not questioned the professionalism of the claimant's letting agent but does have a different opinion of the rental value of the property. Such</p>

	<p>differences of opinion between professionals (and 2 members of the ICP are very experienced chartered surveyors) are not uncommon.</p> <p>The evidence that the ICP has before it largely consists of letting particulars of properties that are, or have been, available to let. These particulars obviously only quote an asking rent and, unlike sale prices which become matters of public record, rents actually achieved are not publicly available. It is also relevant that the claim before the ICP relates to a loss of rent for periods in summer and autumn 2023 and the evidence now provided by the applicant is of flats currently available.</p> <p>The ICP has created a Table of all the evidence it has had regard to and includes the evidence provided by the applicant (properties 1-10) and other evidence the ICP is aware of (properties 11-24).</p> <p>It is a matter of fact that the applicant’s agents assessed the rent of the property at the same level whether on a short-term or long-term basis and whilst the ICP disagrees with that rental value, it accepts the view that the rental value is similar on both short term and longer-term bases.</p> <p>To assist with previous claims, the ICP provided a calculator spreadsheet for the applicant to use to assess the claim but, for reasons not known to the Panel, the applicant did not use the spreadsheet when submitting her latest claim. The ICC found that the ICP had used the calculator correctly.</p> <p>By using the calculator, the ICP ensured that it applied the same approach to the latest claim as it applied to previous claims and is therefore satisfied that the approach is consistent. This approach necessarily includes fluctuations in energy costs which will have been reflected in the various comparable properties which have been considered.</p> <p><b>Having reconsidered the claim, as required by the ICC, and having regard to all the evidence available to it, the Panel remains of the opinion that the rental value of the property in the relevant periods, disregarding any effects of the Tideway project, was correct and it therefore confirms the previous award.</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>

Item 7	Notes for the record
<p><b>Applicant Reference</b></p>	<p>The Panel considered the information contained in an email from ICP Admin on 31 January 2024.</p>
<p><b>Relevant Tideway site</b></p>	<p>Carnwath Road</p>

Decision	AWARDED
<p><b>Details of the award</b></p>	<p>The award as communicated in an email of the 31st January 2024 to ICP Admin to provide two nights hotel accommodation for the claimant and a carer until the end of March 2024 is ratified.</p> <p><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></p> <p><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></p>
<p><b>Further information required/actions arising</b></p>	<p>None</p>
<p><b>Information/action requested from Tideway</b></p>	<p>None</p>

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

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

Date 22 February 2024