

INDEPENDENT COMPENSATION PANEL

MEETING #89 MINUTES [EDITED]

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| Purpose: | To determine special medical case and compensation claims. |
| Date and time: | Tuesday 12 June 2018 – 09.00 to 15.30 |
| Location: | Tideway, Cottons Centre, Cottons Lane, London SE1 2QG |
| Panel Members: | John Wade [Chair] Chris Kench [Compensation Specialist] for items 1 to 11 Richard Pugh [Compensation Specialist] for items 1 to 11 Stephen Stansfeld [Medical Specialist] for items 8 to 17 Graham Parry [Noise & Vibration Specialist] for items 8 to 17 |
| Abbreviations: | 'BPM' means Best Practicable Means as defined in section 72 of the Control of Pollution Act 1974 'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan |
| Document Number: | 2350-TDWAY-TTTUN-990-ZZ-ZZ-718917 |

| Item | Notes for the record |
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| 1 | The Panel met with Tideway's Senior Manager, Property to discuss the compensation case process. All discussed the issues and difficulties they face when presented with a complex compensation claim. Tideway's Senior Manager, Property Senior Manager made the Panel aware that Tideway is often accused of obstructing the compensation claim process by requiring evidential information in support of a claim. It was agreed that Tideway's Property Senior Manager would prepare a list of information and evidence that needs to be included with complex compensation claims for the ICP's review; this would then be prepared into an ICP advisory leaflet. |

| Item | Notes for the record |
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| 2 | The Panel received a second interim claim for compensation for loss of business (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718910). |

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| Decision: | The Panel have reviewed the latest claim and agreed a further Interim Payment, subject to conditions. |
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| Item | Notes for the record |
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| 3 | The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718797). |

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| Decision: | The Panel awards compensation for 9 months, as evidenced by the rent being paid for the room that remains occupied. This is, however, subject to Tideway being provided with a copy of the signed tenancy agreement for the room. |
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| Item | Notes for the record |
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| 4 | The Panel received additional information from a Claimant that the ICP had asked for on 8 May 2018 (ICP#86) in relation to his claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718895). |

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| Decision: | The Panel approved the compensation claim. |
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| Item | Notes for the record |
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| 5 | The Panel considered a claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718902). |

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| Decision: | The Panel awards compensation, as claimed, being the amount by which the rent has been reduced to secure a tenant, over the 2 years of the tenancy agreement. |
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| Item | Notes for the record |
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| 6 | The Panel received a claim for (i) time away during extremely noisy times, (ii) funds vouchers for days out and (iii) lower rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718900). |

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| Decision: | <p>The Panel considers that the Claimant should make full use of the TAP noise mitigation package by keeping the secondary glazing closed in order to take full advantage of the noise reduction that the secondary glazing affords, with ventilation being provided by the mechanical ventilation units. The ICP considers that, by taking these measure, there is no justification for awarding time away or funding vouchers for days out. The claim is, therefore, not approved.</p> <p>The ICP has no jurisdiction over rent reduction and the Claimant should approach her landlord.</p> |
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| Item | Notes for the record |
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| 7 | The Panel received a claim for (i) temporary alternative office accommodation due to noise and vibration from the Carnwath Road worksite and (ii) reasonable travel costs to and from the temporary office space (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718904). |

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| Decision: | <p>The Panel requires the following information in order to determine the claim:</p> <p><u>From the Project</u> Predicted noise levels for the foreseeable future at the facade of the Claimant's property in order that the ICP can assess what the internal noise environment would be.</p> <p><u>From the Claimant</u></p> <ol style="list-style-type: none"> 1. Written confirmation from the Claimant's landlord that he can operate a business from this address. 2. Information on what the Claimant's business is about and what he does at home. |
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| Item | Notes for the record |
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| 8 | The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718901) following the ICP's determination on 8 May (ICP#86). |

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| Decision: | The Panel responded to the queries. |
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| Item | Notes for the record |
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| 9 | The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718899) following the ICP's determination on 8 May (ICP#86). |

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| Decision: | The Panel responded to the queries. |
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| Item | Notes for the record |
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| 10 | The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718898) following the ICP's determination on 8 May (ICP#86). |

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| Decision: | The Panel responded to the queries. |
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| Item | Notes for the record |
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| 11 | <p>The Panel received a special medical case claim for a holiday and window cleaning (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718896).</p> <p>As the acoustic shed is now not due for completion until October, the Project have asked whether the ICP would consider awarding 2 days respite a week during school holidays until the acoustic shed is completed, in order to include the Autumn half-term school holiday and allow for any further delays.</p> |

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| Decision: | <p><u>Respite</u> The Panel's award on 26 March 2018 was for 2 days respite during the 1-week May school half term holiday plus 12 days respite during the 6-week summer school holidays, making a total of 14 days. This has already been claimed and, therefore, the claim for reimbursement for the holiday is not approved.</p> <p>If the acoustic shed is not completed by the October school half term holiday, 2 further days respite is awarded (on production of receipts and in accordance with Tideway's standard conditions) which is <u>not</u> to be taken before the October school half term holiday.</p> <p><u>Window cleaning</u> Tideway already pays Peabody Homes for two additional window cleanings per year which the Panel considers is sufficient.</p> |
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| Item | Notes for the record |
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| 12 | <p>The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718905) for (i) blackout blinds, (ii) TAP noise mitigation with HEPA filtration and (iii) respite allowance.</p> |

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| Decision: | <p>The Panel requires up to date medical evidence before we can determine the claim.</p> |
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| Item | Notes for the record |
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| 13 | <p>The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718897) that had been requested by the ICP on 25 July 2017 (ICP#67).</p> |

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| Decision: | <p>The Panel requires the prescription history that has not been provided together with any medical update from the GP before we can determine the claim.</p> |
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| Item | Notes for the record |
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| 14 | The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718903) that had been requested by the ICP on 13 February 2018 (ICP#80). |

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| Decision: | <p>The Panel awards temporary rehousing for the Claimant for the duration of the forthcoming impact piling works.</p> <p>The Panel requires copies of the section 61 applications and dispensations for non-piling activities in the foreseeable future from the Project in order for us to be able to determine the claim at our next meeting on 26 June 2018.</p> |
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| Item | Notes for the record |
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| 15 | The Panel received a further special medical case claim from a Claimant for a range of respite measures (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718905). |

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| Decision: | The Panel awarded the respite, with conditions. |
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| Item | Notes for the record |
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| 16 | The Panel received a further special medical case (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718893) requesting (i) TAP and (ii) alternative respite. |

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| Decision: | The Panel awarded the claim for respite. The TAP had previously been awarded but there has been inordinate delay in gaining permission from Peabody Homes to put this into effect. |
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| 17 | The Panel received two queries from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718908). |

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| Decision: | The Panel responded to the queries. |
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| Other Matters: | <p>The construction of the acoustic shed at the Chambers Wharf worksite has been delayed.</p> <p>Where respite breaks/holidays have been awarded by the ICP for school holidays up to, and including, the 2018 school summer holiday (on the</p> |
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| | assumption that the acoustic shed at the Chambers Wharf worksite would be completed by the end of the 2018 summer school holiday), such respite breaks/holidays are to be extended to include all school holidays until such time as the acoustic shed at the Chambers Wharf worksite is completed. |
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 15 June 2018

John Wade
Chair, Independent Compensation Panel