

December 2017

The Independent Compensation Panel (the 'Panel') met on two occasions in December 2017.

12 December (ICP76)

Purpose

To determine medical special case and compensation claims.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist and Compensation Specialists, as appropriate, for the cases being considered.

Decisions of the Panel

Item 1

The Panel met with Sam Stevens to discuss information required for compensation claims.

Item 2

The Panel received a draft legal agreement and other papers in relation to a houseboat tenant that it had requested on 20 March 2017, ICP#59 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717222). The Panel Approved the legal agreement.

Item 3

The Panel received additional information from a houseboat owner investor (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717572 & 2350-TDWAY-TTTUN-990-ZZ-ZZ-717590); ICP#74 refers. The Panel did Not Approve the claim as the Panel still did not consider that the applicants have attempted to mitigate their losses.

Item 4

The Panel received a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717380) and an email (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717593). The Panel:

1. Did Not Approve the claim for compensation as there was no loss or damage quantified or evidenced.
2. Approved the reversion to alternative office accommodation

Item 5

The Panel received a compensation claim going forward (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717570) following the Panel's approval of a claim on 14 November 2017 (ICP#74). The Panel suggested the following options:

1. The Claimant presents a claim to the ICP for the loss on an annual basis, retrospectively, supported by a letter from the Claimant's agent that the rent was all that could be achieved owing to the Tideway works, or
2. Tideway and the Claimant draft an appropriate agreement in accordance with the guidance in clauses 8.1.2 and 8.1.3 of the *Non-Statutory Off-site mitigation and compensation policy* and submit it to the Panel for approval.

Item 6

The Panel received temporary rehousing and legal cost claims on behalf of a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717571, 2350-TDWAY-TTTUN-990-ZZ-ZZ-717575 & 2350-TDWAY-TTTUN-990-ZZ-ZZ-717589). The Panel determined as follows:

Temporary rehousing claim

Panel did Not Approve temporary rehousing but Approved the installation of mechanical ventilators with a HEPA filter in the Claimant's living room and bedroom. If the trickle vents and windows in these rooms are kept closed (as is expected to be the case whenever mechanical ventilators are provided), the amount of atmospheric dust entering the flat will be significantly reduced.

Legal costs claim

Any claim for legal costs needs to be substantiated by the provision of detailed and itemised timesheets; the Panel will need to be satisfied that the costs are reasonable and proportionate to the size and complexity of the claim.

Item 7

The Panel received a claim for alternative respite from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717567) following the Panel's granting of temporary rehousing on 8 November 2016 (ICP#40). Given that temporary rehousing has been previously granted the Panel Approved the alternative respite requested.

Item 8

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717568). The Panel requires further information from the Claimant's GP in writing before we can determine the claim.

Item 9

The Panel received an application, in principle, for temporary accommodation on medical grounds (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717569). The Panel did not consider that sleep would be disturbed during the night-time period and the claim is dismissed.

Item 10

Urgent case

The Panel received a request for additional respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717574); ICP64# refers. The Panel Approved *respite breaks*, subject to conditions.

19 December (ICP77)

Purpose

To determine medical special case claims and ratify the FLO Trigger Action Plans for tenants of Camelford House and Station House.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist and a Building Surveyor, as appropriate, for the matters being considered.

Decisions of the Panel

Item 1

The Panel received a presentation from the Carnwath Road site contractors (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717611) following the Panel's request on 28 November 2017 (ICP#75) for the following acoustic information in order to assist the determination of a claim:

Noise measurement data and noisy activity information to be provided for those periods of time when the Claimant carried out his internal noise measurements.

The noise data should be provided both as graphical information and in raw Excel format.

The Panel were disappointed that their request for the raw noise data was not complied with, although the presentation was useful in providing noise data in graphical format for those periods of interest.

The Panel determined the following:

1. Daily respite for the Claimant of up to £30 per day to continue during days when Tideway construction activities are taking place at the Carnwath Road site, on production of receipts. This will be reviewed by the ICP at its next meeting (16 January 2018).
2. The following information is required from the Project before the claim can be fully considered:
 - a) Outstanding noise data in raw Excel format.
 - b) A copy of the present s61 application and any Dispensation and Variation applications and the Local Authority consents.

In addition, the Panel would find it helpful to tour the site with the appropriate noise and dust specialists.

Item 2

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717591). The Panel determined the following:

1. Mechanical ventilators with HEPA filters to be installed in all bedrooms and the lounge.
2. The following information is required from the Project before the claim can be fully considered:
 - a) Predicted noise levels outside the Claimant's property.
 - b) A copy of the present s61 application and any Dispensation and Variation applications and the Local Authority consents

Item 3

The Panel received a compensation claim for two fans to help reduce heat gain following his need to keep windows closed due to noise and dust from the Chambers Wharf site (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717599). The Panel requires further information from both the Claimant and the Project before we can determine the application.

Item 4

Urgent case

The Panel received a compensation claim for a number of mitigation measures (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717602).

The ICP had considered two previous claims; further information had been requested, but not received.

Only health-related matters could be determined today; non-health compensation matters will be considered at the next meeting of the ICP on 16 January 2017 when Compensation Specialists will be on the Panel.

The Panel reiterated its request for further information before it could consider the health-related aspects of the claim.

Item 5

The Panel received a draft TAP for Camelford House 89 Albert Embankment, London SE1 7TW (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717592) for 5 tenants. The TAP was approved, subject to conditions.

Item 6

The Panel received a draft TAP for Flats 1,2,3 and 4 Station House, 17 Lots Road, London SW10 0QH (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717596). The Panel Approved the TAP for Flat 4 but required further information regarding Flats 1, 2 & 3.

Other Matters

I raised concerns with Tideway following this meeting relating to:

1. The lack of provision of information requested by the ICP without any explanation.
2. Not having the correct technical people present during a presentation that Tideway provided to the ICP in response to the ICP's request for noise and activity data in order to answer questions arising.
3. The form in which noise measurement data was presented during the abovementioned presentation which did not reflect best practice.
4. I would urge that Tideway's Noise Specialist reviews the work of the contractors' noise specialists to ensure that all aspects of their work accords with best practice.