

INDEPENDENT COMPENSATION PANEL

MEETING #156 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 14 July 2020 – 10.00am – 13.00pm
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (Medical) Chris Kench & Richard Pugh (Compensation Specialists) – by separate telephone call
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-729236

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729246
Relevant Tideway site	Chambers Wharf
Decision	PART AWARDED
Details of the award	<p>The claimant lives with her husband, mother and children. The property has direct views northwards across the construction site. The claimant and her husband both work shifts in their respective jobs. The claimant's mother suffers from a number of medical conditions.</p> <p>The claimant reports that his son's condition has deteriorated since construction at CHAWF commenced. She also reports that the family are stressed and anxious as well as sleep deprived. The situation has been exacerbated by the COVID-19 situation where they are all having to spend more time indoors than usual.</p> <p>The ICP reviewed the noise and air quality reports for the area and note that noise levels are relatively low and that air quality remains significantly below Air Quality Objective levels. The ICP is aware that there have been a number of noise events associated with the site which has caused disturbance for some people.</p> <p>Mindful of the health conditions of some of the family members and that the claimant and her husband are classified as special</p>

	<p>cases, because of their shift working, the Panel has decided to take a precautionary approach and makes an award of a one week respite holiday for all family members to be taken in 2020.</p> <p>Additionally, in order to assist with the need to keep windows closed whilst maintaining reasonable temperatures internally, an award is made for three portable air conditioning units up to a maximum cost of £300/unit and an award of £165 for the electricity costs for one year.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.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 information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729270
Relevant Tideway site	Kirtling Street
Decision	Not Awarded
Details of the award	<p>The claimant is requesting the reimbursement of the purchase cost of blinds previously fitted which included blackout lining to cut down the heat from having to have his windows closed because of the noise. There are no relevant medical conditions reported.</p> <p>The Panel does not make retrospective awards except in very exceptional circumstances and this claim is not considered to be one.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Implement blackout blinds procedure

Item 3	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729248
Relevant Tideway site	Kirtling Street
Decision	MITIGATION AWARDED

<p>Details of the award</p>	<p>The claimant and his wife are reporting that they are being subjected to ongoing sleep disturbance from the night-time operations at Kirtling Street site.</p> <p>In September 2019, they were awarded one air conditioning unit and now they are requesting a second unit, so that one can be used in the lounge area and one in their daughter's bedroom.</p> <p>The Panel had previously made a number of site visits to the area and also visited a number of apartments at the building. The Panel is therefore fully aware of the noise issues related to the site activities and has reviewed noise measurement data for the site.</p> <p>The Panel determined that it will take a precautionary approach because of the age of the child and the Panel has therefore determined that the claimant is awarded the cost of one mobile air conditioning unit to a cost of £300. Additionally, the Panel makes an award of £55 towards the electricity costs of running the unit for one year.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

Item 4	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729250</p>
<p>Relevant Tideway site</p>	<p>Kirtling Street</p>
<p>Decision</p>	<p>PART AWARDED</p>
<p>Details of the award</p>	<p>The claimants both work from home. They are now requesting a further air conditioning unit, blackout blinds for the lounge, a respite break and noise cancelling headphones. They say that moving the existing air conditioning unit from one room to another is cumbersome and not easy given their age.</p> <p>The Panel had previously made a number of site visits to the area and also visited a number of apartments at the building. The Panel is therefore fully aware of the noise issues related to the site activities and has had access to noise measurement data for the site.</p> <p>The Panel makes an award of one portable air conditioning unit to a maximum cost of £300 and £55 towards the running costs for electricity for a year. Additionally, as the claimants work from home, an award of two pairs of noise cancelling headphones is made to a maximum cost of £100/pair.</p>

	<p>The Panel does not consider that the circumstances related to the site activities or the claimants' personal circumstances are such as to make an award of holiday respite.</p> <p>The claimant has requested blackout blinds and hence the claimant is pointed towards the Tideway blackout blinds procedure.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Implement blackout blinds procedure

Item 5	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729269
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>The claimants both work from home and report that they find having to close windows to shut out noise and dust very uncomfortable because of the heat. They find that the flat gets very dusty. One claimant gets migraines which are exacerbated by light pollution. They also experience sleep disturbance from the 24 hour noise and vibration. They are requesting air conditioning units for the bedroom and lounge, two noise cancelling headphones, a cleaner, holiday respite, and replacement wardrobes.</p> <p>The Panel had previously made a number of site visits to the area and also visited a number of apartments at the building. The Panel is therefore fully aware of the noise issues related to the site activities and has had access to noise measurement data for the site.</p> <p>With respect to those aspects of the claim which relate to the mitigation of noise, the Panel makes an award of two portable air conditioning units to a maximum cost of £300/unit and £110 towards the running costs for electricity for a year. Additionally, as the claimants work from home, an award of two pairs of noise cancelling headphones is made to a maximum cost of £100/pair.</p> <p>The Panel has examined the evidence provided with respect to dust ingress from the site and have also examined photographic evidence from other occupiers of the building. It would appear to the Panel that the dust is primarily of a fibrous nature such that it would not have come from the site and accordingly no award is made for a cleaner or the replacement of wardrobes.</p> <p>The Panel does not consider that the circumstances of the claimants warrants an award of holiday respite.</p>

	<p>The Panel notes that the claimants mention fumes emanating from the site; however, the Panel is unaware of any possible cause or source of fumes related to the site.</p> <p>It is noted that the blackout blinds requested within the claim have already been processed via an application to Tideway.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 6	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729271
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>The claimant and her partner need to keep the doors and windows closed to stop noise intrusion. She has previously been awarded two air conditioning units and the Panel is aware of her health issues.</p> <p>The claimants state that the air conditioning units do not deal with the problem as they are still exposed to noise. They find they have a high level of anxiety living in the flat which is 'barely liveable in'. A letter from a Consulting Psychologist (undated), concerning one claimant, states that she has been treating this claimant for work-related stress since February 2020. She reports that in the last two weeks, the claimant has had broken sleep because of the noise and light disturbance which is affecting her ability to do her still very demanding job. She says 'these conditions are exacerbating the stress that she experiences from her job. They are now requesting two noise cancelling headphones, daily car hire for respite and holiday respite.</p> <p>The Panel had previously made a number of site visits to the area and also visited a number of apartments in the building. The Panel is therefore fully aware of the noise issues related to the site activities and has had access to noise measurement data for the site.</p> <p>The Panel has determined that they will take a precautionary approach to the claimant's health and award a one week holiday respite for her and her partner. Additionally, as the claimants are working from home an award of two pairs of noise cancelling headphones to a maximum cost of £100/pair is awarded.</p> <p>The Panel cannot see any compelling evidence that allows it to confirm an award of daily car hire.</p>

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

Item 7	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729248
Relevant Tideway site	Kirtling Street
Decision	MITIGATION AWARDED
Details of the award	<p>The claimant is requesting an award of noise cancelling headphones and two air conditioning units to assist with working from home and sleeping in warmer weather with the doors and windows closed.</p> <p>The Panel had previously made a number of site visits to the area and also visited a number of apartments in the building. The Panel is therefore fully aware of the noise issues related to the site activities and has had access to noise measurement data for the site.</p> <p>The Panel makes an award of two portable air conditioning units to a maximum cost of £300/unit and £110 towards the running costs for electricity for a year. Additionally, as the claimant works from home, an award of a pair of noise cancelling headphones is made to a maximum cost of £100/pair.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u> <u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 8	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729245 plus 2 videos: 2350-TDWAY-TTTUN-990-ZZ-ZZ-729244 2350-TDWAY-TTTUN-990-ZZ-ZZ-729243
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED

<p>Details of the award</p>	<p>The claimants report noise disturbance whilst trying to work from home as well as through the night when trying to sleep.</p> <p>They complain of noise disturbance from mud dropping from the conveyor belt to the barge, the crane alarm signal, and noise from pressure washing the barge whilst trying to work at home and sleep. The noise is constant causing them stress. They do not use the building air conditioning because of fear of Covid-19 transmission. They are requesting two air conditioning units and two pairs of noise cancelling headphones.</p> <p>The Panel makes an award of two pairs of noise cancelling headphones to a cost of £100/pair.</p> <p>The Panel has not made an award in respect of portable air conditioning units as they cannot understand why the existing A/C system cannot be used at this present time, if the air conditioning draws air from outside the building. The claimants are invited to provide a report/advice from the Facilities Manager or Management Company which indicates why the existing air conditioning cannot be used.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
<p>Further information required/actions arising</p>	<p>Information in respect of the existing air conditioning system from the claimants.</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

Item 9	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729247</p>
<p>Relevant Tideway site</p>	<p>Hammersmith Pumping Station</p>
<p>Decision</p>	<p>DEFERRED</p>
<p>Details of the award</p>	<p>The claimants had previously identified that they were operating their business from home because of lockdown. They find that because of noise from the site, they have to keep patio doors and windows shut leading to high temperatures in their flat. Even if piling is not going on, they still find the noise levels interfere with their work. They are requesting two air conditioning units, one for each room they work in. Noise cancelling headphones but not air conditioning units were previously awarded.</p> <p>The claimants are now requesting office space as the noise and vibration makes it impossible to work from home.</p> <p>The Panel had understood that many of the noisier activities at the site had stopped. However, the Panel has not seen an up to date Section 61 for the site and require sight of that document and noise monitoring data from May and June 2020.</p>

	<p>The Panel has decided to defer any further decision on this claim until such time as it receives the information requested above.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Section 61 application for July 2020 onwards and noise monitoring reports/data for May & June 2020.

Item 9	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729273
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>The Panel had previously made a number of site visits to the area and also visited a number of apartments in the building. The Panel is therefore fully aware of the noise issues related to the site activities and has had access to noise measurement data for the site. The Panel had also been made aware of improvements to the noise mitigation within the muck bin area.</p> <p>Noting that the claimant's wife is now working from home, the Panel makes an award of up to £100 towards the cost of noise cancelling headphones to assist with her working from home.</p> <p>The Panel has considered very carefully the information provided and the circumstances of the family and has not identified any special circumstances which would justify an award of daily or holiday respite.</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/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p>
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 04 August 2020