

# **Residential Property Tribunal Wales Annual Report Year 2021 – 2022**



**Y Tribiwnlys Eiddo Preswyl**  
**Residential Property Tribunal**

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# Foreword

Last year I reflected in this report on the changes brought by the pandemic. In common with many areas of society and work, it seems likely to have brought enduring change to the workings of the RPT. The Welsh Tribunals Unit, who provide the secretariat and administer the tribunal, does not appear to envisage staff returning to work full time at the tribunal's offices in Cleppa Park in the near future or possibly at all, and so the working practices developed in 2021-2022 may well be the template for the future.

At the time of writing, there has still not been a return to full face-to-face hearings although the tribunal is keeping this and the use of hybrid live and remote hearings, under review. I wish to thank in particular the Tribunal's Business Manager for her hard work during the last 12 months, and the tribunal's two case workers. Together they have continued to adapt to the challenges and have ensured that cases are listed and hearings for our users take place remotely. There has been no diminution in the efficiency of the tribunal or the breadth and quality of its decisions by work being undertaken largely in remote online hearings. The use of Cloud Video Platform (CVP) technology has also resulted in the tribunal making more use of preliminary hearings or case management conferences to assist in narrowing down the issues for final hearings.

As the pandemic restrictions were relaxed and the vaccine programme rolled out across Wales, our surveyor members, where it was safe to do so, resumed the inspection of properties. Although certain work can, in extremis, be undertaken upon the papers, there is no substitute for attendance at, and visual inspection of, the subject properties and it has been most helpful to have our surveyor members provide the details of inspections again.

I was delighted to finally welcome nine new legal members/tribunal judges to the RPT following the completion of their online training in October 2021. Our new judges bring with them a wealth of varied professional expertise and experience which will be of benefit to the tribunal and its users for many years to come. Following a cross-ticketing exercise made possible by the provisions of the Wales Act 2017, I am also pleased to confirm the identification of two new lay members who will be commencing their work with us shortly following induction training.

As ever, I wish to thank my Vice-President and the other members of the tribunal for their diligence and support over the last 12 months. I was sorry to have to accept the resignation of Tribunal Judge Ewan Paton in June 2021. Ewan has served this tribunal with distinction since his appointment in 2008, and has fully contributed to training and entertainment matters at conferences. As befits a former Mastermind contestant, he provided a well-received and idiosyncratic annual quiz. Our loss is the First tier Tribunal's gain, as Ewan was appointed as a salaried tribunal judge in the Land Registration chamber. We wish him every future success.

The Law Commission duly produced their long awaited report on the devolved Welsh Tribunals, information on which and a copy of the report may be found here [www.lawcom.gov.uk/project/devolved-tribunals-in-wales/](http://www.lawcom.gov.uk/project/devolved-tribunals-in-wales/) It recommended a First-Tier Tribunal system for Wales with different chambers as in England, a new Appeal Tribunal to hear appeals from the Welsh Tribunals and a substantial revision of the tribunal rules amongst other things. The latter is particularly overdue in the RPT/LVT where tribunal members and users currently grapple with three different sets of rules. It is my understanding that the current Welsh government does wish to find legislative time to implement many of the Commission's proposals, and so this remains an exciting time of change for the devolved administration of justice in Wales. Within the next year there will be fundamental change in housing law in Wales with the delayed implementation of the Renting Homes (Wales) Act 2016 in July 2022. Although our colleagues in the County Court will deal with the vast majority of legal issues arising, rent increase matters will continue to be dealt with by the tribunal.

My colleagues and I look forward to continuing to serve the needs of our users in Wales.

**Richard Payne**

President

# Section 1 – About Us

In this section:

- Basis for the Tribunal
- The Tribunal's Functions
- The Tribunal's Jurisdiction
- The Tribunal's Regulations
- The Tribunal's Process
- Members of the Tribunal
- Appointments & Retirements
- Contacting the Tribunal
- Accessing the Tribunal

## Basis for the Tribunal

The Residential Property Tribunal Wales (RPT Wales) is an independent tribunal that has been set up to resolve disputes relating to private rented and leasehold property.

The RPT Wales was established under the Housing Act 2004 as the umbrella organisation with responsibility for Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals.

The overriding aim of the RPT Wales is to:

- provide a high performing and cost effective customer service for tribunal users and its members;
- ensure that all aspects of the tribunal's work are administered in such a way as to achieve fair, independent and timely adjudication, and
- operate within the legislative framework applicable in Wales.

## The Tribunal's Functions

The Rent Assessments Committees deal with disputes relating to:

- Rent – both fair rents, and
- Market rents – under assured and assured short-hold tenancies.

The Leasehold Valuation Tribunals deal with disputes relating to:

- Leasehold disputes;
- Leasehold, service charges;
- Leasehold enfranchisement and lease extension for houses and flats, and
- Tenants' association applications for recognition.

The Residential Property Tribunals deal with disputes relating to:

- Empty dwelling management orders;
- Interim and final management orders;
- Licensing of houses in multiple occupation and selective licensing of other residential property;
- Housing, health and safety rating system;
- Park homes; and
- Local authority gypsy and traveller sites;
- Licensing under the Housing (Wales) Act 2014, Rent Smart Wales.

## **The Tribunal's Jurisdiction**

The jurisdiction of the RPT Wales is set out in the following legislation:

Rent Assessment Committees:

- The Rent Act 1977;
- The Housing Act 1988, and
- The Local Government and Housing Act 1989.

Leasehold Valuation Tribunals:

- Landlord and Tenant Act 1985;
- Landlord and Tenant Act 1987;
- The Leasehold Reform Act 1967;
- The Leasehold Reform, Housing and Urban Development Act 1993, and
- Commonhold and Leasehold Reform Act 2002.

Residential Property Tribunals:

- Mobile Homes Act (Wales) 2013;
- Housing Act 2004, and
- Housing (Wales) Act 2014.

## **The Tribunal's Regulations**

Regulations governing the tribunal's procedures are contained in the following legislation:

- Rent Assessment Committees (England and Wales) Regulations 1971;
- Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004;
- Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016, and
- Mobile Homes (Site Rules) (Wales) Regulations 2014.

## **The Tribunal's Process**

To make an application or appeal you must complete and send the relevant application form to the RPT Wales. Applications are encouraged via email but will also be accepted in hard copy by post or hand delivered. Certain types of applications dealt with by the RPT Wales incur an application fee and/or hearing fee.

Before almost every Tribunal hearing, the Tribunal panel will conduct an inspection of the premises relating to the application. The Tribunal needs to visit the premises to consider its state and condition or any physical aspects which will help it in reaching a decision.

At a tribunal hearing the Tribunal panel is composed of a legally qualified chairperson, 1 professional member, or in some cases 2 professional members depending on the complexity of the case, and 1 lay member. Tribunal hearings will normally be held in public and take place near to the property in question.

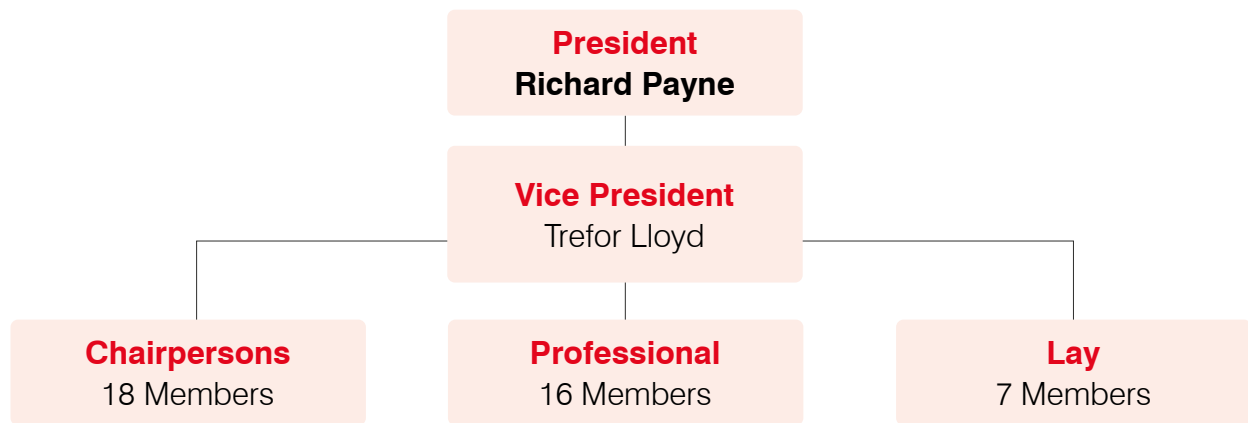
The Tribunal publishes its decisions on the website for the RPT Wales. Decisions of Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals can be appealed on limited grounds to the Upper Tribunal. Permission to appeal to the Upper Tribunal must first be sought from the RPT Wales for decisions made by Leasehold Valuation Tribunals and Residential Property Tribunals.

Full information and guidance, about the tribunal and its procedures, is provided on the website for the RPT Wales. Alternatively please contact the tribunal secretariat for further information or if you would like to receive publications in a different format. The contact details can be found on page 7.

## Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re-appointment of chairpersons and the Welsh Government is responsible for the appointment and re-appointment of professional and lay members. The Welsh Ministers are also responsible for nominating a president and vice president of the tribunal from the panel of chairpersons. Appointments are made following the advertisement of vacancies and competitive interview by the Judicial Appointments Commission for chairpersons and Welsh Government for the other members.

<b>President &amp; Vice President</b>	Are the judicial leads of the tribunal.
<b>Chairpersons</b>	Are lawyers and have responsibility for conducting proceedings at hearings and advising the tribunal on matters of law. The chairperson will write decisions and set directions where necessary.
<b>Professional Members</b>	Are surveyors and valuers and bring a wide range of relevant knowledge and experience to each hearing.
<b>Lay Members</b>	Have a wide range of other relevant knowledge and experience which they bring to each hearing.
<b>Secretariat</b>	The day-to-day administration is largely delegated to the secretariat who deals with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat consults the chairperson on all legal points arising during the preliminary pre-hearing stages of the proceedings and passes on the chairperson's rulings and directions in writing to the parties. The secretariat acts as a point of contact for chairpersons, members and tribunal users and attends some hearings to help with the efficient running of proceedings.



## Appointments and Retirements

The tribunal recruited 2 new lay members during 2021-2022. These should be trained and in position by July 2022.

## Training

Due to the COVID-19 restrictions the tribunal held its annual training by way of two one day seminars held via its Cloud Video Platform.

## Contacting the Tribunal

The Tribunal's contact details are as follows:

Tribunal Address:	Residential Property Tribunal Wales Oak House, Cleppa Park Newport NP10 8BD
Tribunal Helpline:	03000 252777
Tribunal E-mail:	<a href="mailto:rpt@gov.wales">rpt@gov.wales</a>
Tribunal Website:	<a href="http://RPT.gov.wales">RPT.gov.wales</a>

## Accessing the Tribunal

The Tribunal is happy to communicate with you in English or Welsh. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of Tribunal staff to phone you back.

You can choose to have your Tribunal hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provision will be made.

To enable arrangements for interpreters or to make provision for any additional needs of attendees, sufficient notice must be given to the secretariat.



## Section 2 – Performance and Progress

In this section, our:

- Numbers and statistics
- Reviews and onward appeals
- Achievement against key performance indicators
- Complaints

### Numbers and Statistics

A Tribunal year runs from April to March.

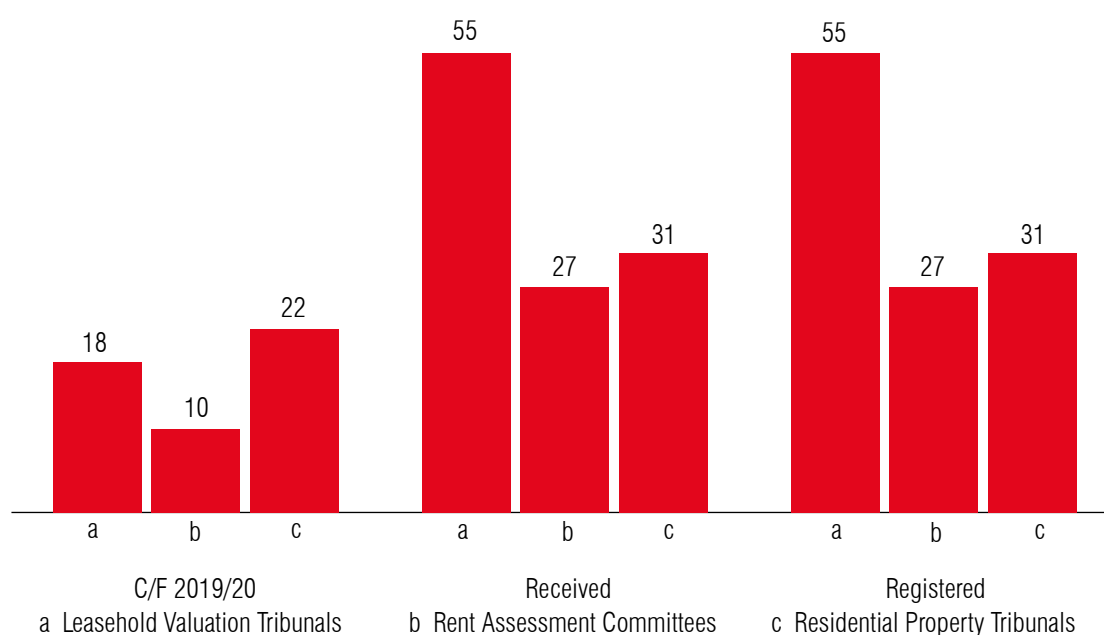
The following statistics are collated:

- number of applications received and registered;
- type of application received and registered;
- number of applications finalised;
- outcome of applications.

#### 2.1 Number of Applications Received and Registered 2021-2022

During the year April 2021 to March 2022 the tribunal received a total of 113 applications. The Tribunal also carried forward 73 applications from 2020-2021. The tribunal registered all 113 applications during 2021-2022.

The chart below shows the numbers in each tribunal jurisdiction received and registered in 2021-2022 and the applications carried over from 2020-2021.



## 2.2 Number of Applications Registered in 2021-2022 and Type of Application

Leasehold Valuation Tribunals (LVT) – deal with applications to appeal leasehold disputes, leasehold service charges, leasehold enfranchisement and lease extension for houses and flats, and tenants' association application for recognition. The table below provides data on each tribunal jurisdiction applications received.

Appeals Registered by Type	2021-22
<b>Leasehold Disputes</b>	
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	
Schedule 11, The Common-hold and Leasehold Reform Act 2002 – Determination Liability to Pay or Variation of Administration Charge	
Section 168 (4), The Common-hold and Leasehold Reform Act 2002, Breach of Covenant or Condition in Lease	5
Estate charges – liability to pay	
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	
Part IV, Landlord & Tenant Act 1985 – Variation of Lease(s)	1
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	1
<b>Leasehold Service Charge</b>	
Section 27 A, Landlord & Tenant Act 1985 – Service Charges	16
Section 20 ZA, Landlord & Tenant Act 1985 – Dispensation of all or any of the Consultation Requirements	13
<b>Leasehold Enfranchisement</b>	
Section 21(1)(ba), Leasehold Reform Act 1967 – Reasonable Costs Order	1
Section 21(1)(a), Leasehold Reform Act 1967 – Determination of Price Payable	2
Leasehold Reform Housing & Urban Development Act 1993 – leasehold renewal	8
Leasehold Reform Housing & Urban Development Act 1993 – Missing Landlord	1
Leasehold Reform Housing & Urban Development Act 1993 – Reasonable Costs	1
Leasehold Reform Housing & Urban Development Act 1993 – Enfranchisement	3
Leasehold Reform Housing & Urban Development Act 1993 – Collective Enfranchisement	2
<b>Tenants Association</b>	
Section 29, Landlord & Tenant Act 1985 – Recognition of Tenants' Association	1
Section 21, Leasehold Reform Housing & Urban Development Act 1993 – Ground Rent & Terms	
Fees waiver	
Section 15, Leasehold Reform Act 1967 – Ground Rent Review	
<b>Total</b>	<b>55</b>

**Rent Assessment Committees (RAC)** – deal with applications to appeal rents, both fair rents, referrals made by the rent office and market rents – under assured and assured short-hold tenancies. The table below provides data on each tribunal jurisdiction appeal received.

Appeals Registered by Type	2021-22
Section 13 (4) Housing Act 1988 – Notice Proposing New Rent	22
Section 22 (1), Housing Act 1988 – Determination of Rent Assured Short-hold Tenancy	1
Section 6 (3), Housing Act 1988 – Notice Proposing Different Terms	
Fair Rents – Referrals from the Rent Officer	4
<b>Total</b>	<b>27</b>

**Residential Property Tribunals (RPT)** – deal with applications regarding empty dwelling management orders, interim and final management orders, licensing, housing health and safety rating systems, mobile homes and local authority gypsy and traveller sites. The table below provides data on each tribunal jurisdiction appeal received.

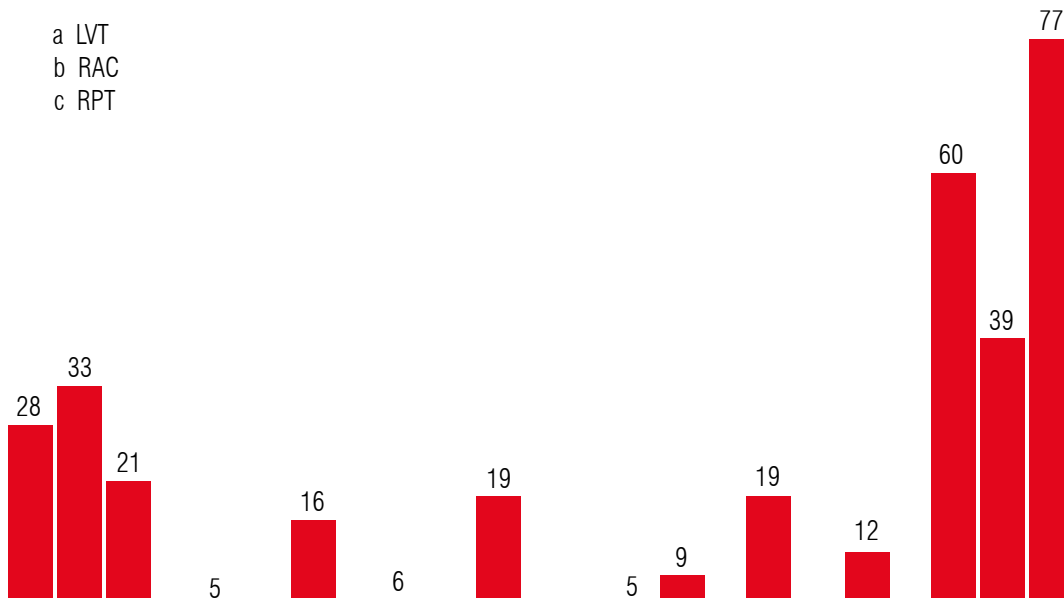
Appeals Registered by Type	2021-22
<b>Management orders</b>	
Empty dwelling Management Orders	
Local Authority Rent Repayment Order	4
Temporary exemption	
Overcrowding	
Houses of Multiple Occupancy decisions	9
Housing Act 2004 – Section 27 – Refusal to Grant Licence	
Improvement notices	6
Local Authority Recovery of expenses	
<b>Mobile Homes – Mobile Homes (Wales) Act 2013</b>	
Fees waiver	
Section 7(4)(b) – Site Licence – decision to issue	
Section 12(2) – Site Licence – decision to apply conditions	
Section 14(1) – variation or refusal of condition of license by local authority	
Sections 17(2) & 23(1) – Compliance notice by local authority	
Sections 21(9) & 23(1) – Emergency action by the local authority	
Sections 22(7) & 23(1) – local authority’s demand for expenses	
Section 28(2) – Person managing site is not a fit and proper person	1
Section 29(6) – Local authority’s decision that a person is not a fit and proper person	
Section 30(5) – Local authority’s decision to appoint an interim manager	
Section 33(6)(c) – Repayment order, by an occupier of an unlicensed site	
Section 49(5) – Written statement of terms of agreement	

Appeals Registered by Type	2021-22
Section 50(2) – Agreement of terms re matters Part 2 of Sch 2	
Section 50(3)(a) or 50(3)(b) – Implied terms vary/delete	
Section 54 – any other matter under the act	2
Schedule 2 Chapter 2 Para 7(1)(a) or Chapter 4 Para 40(1)(a) – Detrimental effect	
Schedule 2 Chapter 2 Paras 5, 6, 7(1)(b) – Termination of agreement	
Schedule 2 Chapter 2 Para 10(3) – Refusal order Site Owner	
Schedule 2 Chapter 2 Para 13(3) – Refusal order to prevent gift	
Schedule 2 Chapter 4 Para 42(8) – assignment of the occupier's agreement is approved	
Schedule 2 Chapter 2 Paras 14(1)&(2) – temporary relocation of mobile home to another pitch	
Schedule 2 Chapter 2 Paras 14(3) – order for mobile home to be returned to its original pitch	
Schedule 2 Chapter 2 Paras 17(1)(b) & 17(6)(a) – determination of a new pitch fee	9
Schedule 2 Chapter 2 Para 18(1)(a)(iii) – improvements to be taken account when pitch fee is reviewed	
Schedule 2 Chapter 2 Paras 17(15) & (16) – owner to re-pay the difference between the old and new pitch fees	
Section 52(9) & (10) and Regulation 10(1) of the Mobile Homes Regulations 2014 – proposed, making varying or deletion of the site rules	
Section 52(9) & (10) and Regulation 17(1) of the Mobile Homes Regulations 2014 – site owner's failure to deposit new or varied site rules, or a deletion notice, in time	
<b>Total</b>	<b>31</b>

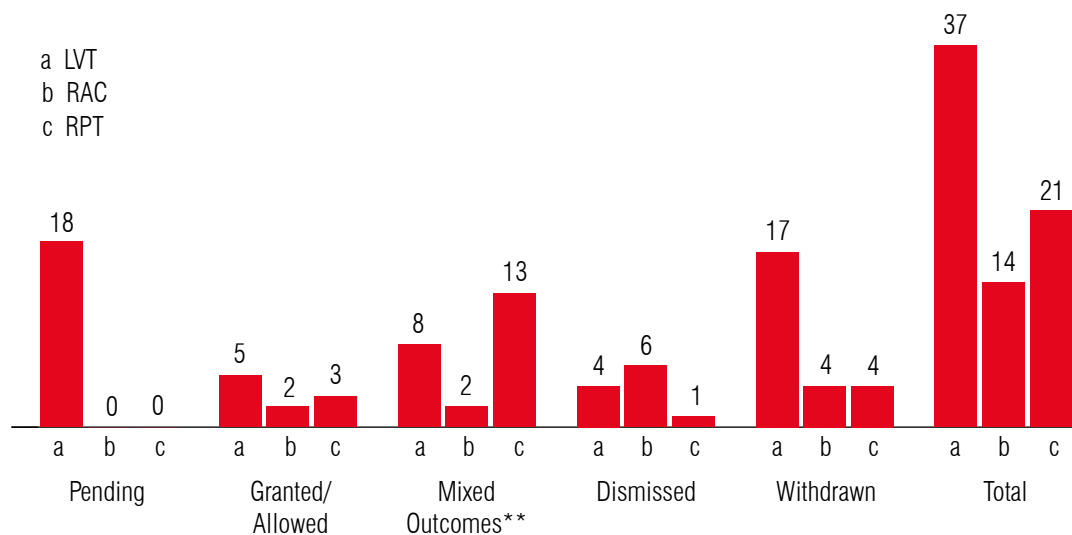
## 2.3 Number of Applications 2021-2022 by Outcome

A finalised case is an application which has been completed either through:

- withdrawal by the applicant; or
- a hearing resulting in the Tribunal making a decision in respect of the application.



## 2.4 The outcomes of the applications carried over from 2010-21



\*\* Mixed outcomes – when part, but not all, of the application is granted.

## 2.5 Number of Applications received in 2021-2022 by Type and Outcome

### Leasehold Valuation Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
<b>Leasehold Disputes</b>						
Clara Sch 11	1				1	2
Clara Sec 168(4)	1				5	6
Clara Ch 1						
L&T Sec 20C	1				1	2
L&T Part IV						
L&T Sec 24	1			1		2
<b>Leasehold Service Charge</b>						
L&T Sec 27 A	13		8	3	5	29
L&T Sec 20 ZA	5	5	1	1	3	15
<b>Leasehold Enfranchisement</b>						
LRA Sec 21(1)(ba)					1	1
LRA Sec 21(1)(a)	5	2		1	2	10
LRH&UD – leasehold renewal	4		1	0	7	12
LRH&UD – Missing Landlord	2	2		1		5
LRH&UD – Costs						
LRH&UD – Enfranchisement					1	1
Collective Enfranchisement	4		1		4	9
<b>Tenants Association</b>						
L&T Sec 29		1				1
<b>Other</b>						
LRH&UD Sec 21						
Estate Charges						
LVT Fees waiver						
LRA Sec 15						
<b>Total</b>	<b>37</b>	<b>10</b>	<b>11</b>	<b>7</b>	<b>30</b>	<b>95</b>

## Rent Assessment Committees

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Housing Act Sec 13(4)	12	4	2	10	9	37
Housing Act Sec 22(1)						
Housing Act Sec 6(3)						
Fair Rents	2		2		2	6
<b>Total</b>	<b>14</b>	<b>4</b>	<b>4</b>	<b>10</b>	<b>11</b>	<b>43</b>

## Residential Property Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
<b>Management Orders</b>						
Empty dwelling Management Orders						
Local Authority Rent Repayment Orders		1		2		3
Temporary exemption						
Overcrowding						
HMO decisions	4	10	3			17
Refusal to grant license (s.27)	2	1		1		4
Improvement notices	3	1		2	4	10
Local Authority Recovery of expenses						
<b>Mobile Homes</b>						
Fees waiver						
Section 7(4)(b)						
Section 12(2)						
Section 14(1)						

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Sections 17(2) & 23(1)						
Sections 21(9) & 23(1)						
Sections 22(7) & 23(1)						
Section 28(2)					1	1
Section 29(6)						
Section 30(5)						
Section 33(6)(c)						
Section 49(5)						
Section 50(2)						
Section 50(3)(a) or 50(3)(b)						
Section 54	1			1		2
Sch 2 Ch 2 Para 7(1)(a)						
Sch 2 Ch 2 Paras 5, 6, 7(1)(b)						
Sch 2 Ch2 Para 10(3)						
Sch 2 Ch2 Para 13(3)						
Sch 2 Ch 4 Para 42(8)						
Sch 2 Ch 2 Paras 14(1)&(2)						
Sch 2 Ch 2 Paras 14(3)						
Sch 2 Ch 2 Paras 17(1)(b) & 17(6)(a)	12		10		2	24
Sch 2 Ch 2 Para 18(1)(a)(iii)						



Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Sch 2 Ch 2 Paras 17(15) & (16)						
Sec 52(9) & (10) and Regulation 10(1) MHR						
Sec 52(9) & (10) and Regulation 17(1) MHR						
<b>Total</b>	<b>22</b>	<b>13</b>	<b>13</b>	<b>6</b>	<b>7</b>	<b>61</b>

During 2021-22 there were 48 hearing days in RPT Wales. Hearing days are when a panel convene to hear evidence from the parties relevant to that application:

Type	Length (in days)
Leasehold Valuation Tribunals	25 Hearing days
Rent Assessment Committees	6 Hearing days
Residential Property Tribunals	17 Hearing days

There were 22 paper conferences which took place. Paper conferences are when the panel convene without the parties present to make a decision. Of these, 11 were for the Rent Assessment Committee, 12 were for the Leasehold Valuation Tribunal and 4 for the Residential Property Tribunal.

There were also 16 Pre-Trial Reviews which took place one for the Residential Property Tribunal and one for the Leasehold Valuation Tribunal. A Pre-Trial Review is a meeting between all parties to discuss further actions required on their applications.

## Reviews and onward appeals

Applications for a review of a Tribunal decision can be made by parties on limited grounds.

Leasehold Valuation Tribunal and Residential Property Tribunal parties may apply to the Tribunal for leave to appeal to the Upper Tribunal if they think that the Tribunal's decision is wrong on a point of law. Rent Assessment Committees may apply directly to the Upper Tribunal.

There were 5 appeal applications during 2021-2022. 4 appeal requests were refused. 1 granted to appeal to Upper Tribunal. We do not know if this was appealed to the UT.

## Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the Hearing or disposal.

To measure customer satisfaction, we used an indicator that is derived from periodic customer surveys issued with Tribunal decisions.

## Speed of our service

Target: 95% of applications registered or pre-registration query dealt with within 10 working days of receipt of Application form	➔	Target achieved in 95% of cases
Target: 95% of all correspondence responded to within 10 working days of receipt	➔	Target achieved in 95% of cases
Target: 95% of hearings listed within 40 working days of registration	➔	Target achieved in 95% of cases
Target: 100% of notice of hearing issued within 20 working days of the hearing	➔	Target achieved in 90% of cases
Target: 90% of decisions issued within 30 working days of the hearing	➔	Target achieved in 90% of cases
Target: 95% of applications discharged within 18 months	➔	Target achieved in 90% of cases

## Complaints

The Tribunal received no formal complaints during 2021-2022.

## Section 3 – Our Customers

In this section, our:

- Customer satisfaction survey

The Tribunal strives to improve customer service delivery and aim to put our customers at the heart of everything we do.

The established customer satisfaction survey results enable us to gain a better understanding of our customers' needs and give us a valuable insight into what the Tribunal is doing well, as well as highlighting those areas where the Tribunal needs to improve.

The Tribunal issues a customer satisfaction form with its decisions but received no completed forms during 2021-2022.

## Section 4 – Business Priorities

In this section, our:

- Business priorities for 2022-2023

It is important that the Tribunal continues to develop in order to deliver the best possible service for our users. This section is about how the Tribunal will build on its achievements through focusing on business priorities and our commitment to our users.

### Business Priorities 2022-2023

- Continue to ensure the tribunal president responds to Welsh Government consultations which impact on the work of the RPT Wales.
- Continue to monitor and update RPT Wales Website.
- Deliver an effective and efficient service, meeting key performance indicators.
- Organise annual training conference for tribunal members, identifying and responding to training needs including training in new legislation.
- Identify and plan appraisal of tribunal members.

## Section 5 – Expenditure

In this section, our:

- Expenditure for 2021-2022

### Expenditure for 2021-2022

Content	Amount*
Member fees & Expenses (proceedings and training)	£285,912
Other running costs	£3,634
<b>Total</b>	<b>£290,000</b>

\* rounded to the nearest £1,000