

**MINUTES OF A MEETING OF THE BOARD OF THE
ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 24TH MAY 2024 AT 9.30 AM
IN THE 'BALLAGLASS' ROOM, THIE SLIEAU WHALLIAN, ST JOHNS**

	TO PUBLISH	ACTION
PRESENT	Mr T S Glover MHK, Chair (for items up to and including 12) Mr C Thomas, Vice Chair Mr M J Bathgate, Member Mr L Wong, Member Mr B Murphy, Member	
SUPPORTED BY	Ms V McLauchlan, Director of OFT Mr J R Peet, Head of OFT Mr M Smith, Senior Trading Standards Officer Mr N R Taylor, Secretary to the Board Mr Z A Miah, Economist, Competition & Markets (for items 8, 10, 11 & 12)	
2024 05/01	CONFLICTS OF INTERESTS Members and officers considered agenda items in which they had interests or may have been conflicted. None were identified.	
2024 05/02	MINUTES OF PREVIOUS MEETINGS HELD ON 25TH APRIL 2024 The Minutes of the meeting of 25 th April 2024 were reviewed, agreed, and signed by the Chairman as a true record of proceedings.	-
2024 05/03	MATTERS ARISING The Board Actions Update and Agenda Planner dated 17 th May 2024 was noted. <u>'VAPING PRODUCTS BILL' – TOBACCO AND NICOTINE PRIVATE MEMBERS BILL – 2024/04/13</u> Dr Haywood had contacted the OFT for comment on the Bill which was being considered by Treasury. As enforcement would fall within the remit of Trading Standards, funding was to be requested during the first two years of enactment to facilitate education and training. <u>COMPUTER SECURITY – 2024/04/13</u> Whilst Members were keen to avoid unnecessary expenditure, it had been agreed beneficial to update IT from iPads to laptops and these were due imminently.	JRP -

	<p><u>WEBSITE REVIEW – 2024/03/13</u></p> <p>It was noted that other Statutory Boards had standalone websites. It was possible that a student could assist in review.</p>	-
2024 05/09	<p>ESTATE AGENCY SERVICES COMPLAINT</p> <p>This item was taken out of agenda order.</p> <p>The paper dated 3rd May 2024 was discussed. This related to a complaint from a residential tenant concerning an estate agency which had acted as property manager in respect of their letting. Estate Agency was defined within the Estate Agents Act 1975 and did <i>not</i> include property management services, but only actions involved in bringing parties together to effect the sale of land, or the granting of a lease.</p> <p>Members agreed that there was not sufficient evidence of disgraceful conduct to justify referring the matter to the Estate Agents’ Tribunal. The complainant was to be advised of this together with other options available for redress.</p>	MS
2024 05/04	<p>ISLE OF MAN ENERGY</p> <p>The OFT had received no complaints of further problems with customer billing.</p> <p>Mr Thomas had circulated explanation of Manx Telecom and Isle of Man Energy return calculations.</p> <p>Mr Thomas had ascertained via a Parliamentary question that Isle of Man Energy had agreed around 400 payment plans.</p> <p>It was noted that publishing of service standard compliance reports could appropriately be a requirement within the CURA Gas Regulation Bill.</p> <p>The OFT was to ask for an update from CURA and consider its submission to the consultation.</p> <p>This item would not appear on future agendas unless there were specific issues to report.</p> <p>Staff were to be thanked for their huge efforts over the past year in helping resolve over 600 billing complaints.</p>	<p>JRP</p> <p>NRT</p> <p>NRT</p>

<p>2024 05/05</p>	<p>OFT INDEPENDENCE</p> <p>The Director had met with all OFT staff excepting (to date) the Head of OFT to discuss roles and the work of the OFT. In addition, she had a range of documents to review including previous correspondence with DEFA on the matter. She was happy to take comments from Board Members in addition to the previous submissions.</p> <p>It seemed that full independence was not an over-riding priority, but that public perception was important. Consumers were unlikely to be concerned about structure. Senior Hierarchy could possibly be a 'dotted line' for reporting only.</p> <p>It was agreed that the Head of OFT role was critical. Mr Thomas queried whether the wider review should be conducted prior to, or after appointment of a new Head of OFT. At present, a high-level review would be prior to appointment.</p> <p>Competition and markets section resourcing was also a significant issue. This function perhaps had most potential to be combined in a 'hub'.</p> <p>There was discussion around skills structures and website portals. Reference could be made to the Manx Care Advice and Liaison Service and Highways Customer Services in regard to their approaches.</p>	<p>-</p>
<p>2024 05/06</p>	<p>STAFFING AND SUCCESSION PLANNING</p> <p>The new Ombudsman Services Manager was settling in well. The Assistant/Trading Standards Officer regrading had been confirmed. Following a staff member resignation, a Consumer Advisor vacancy had been advertised.</p>	<p>-</p>
<p>2024 05/07</p>	<p>ESTATE AGENTS BILL</p> <p>The Head of OFT was still endeavouring to progress this.</p>	<p>-</p>
<p>2024 05/08</p>	<p>COMPETITION ACT SECONDARY LEGISLATION</p> <p>The Economist joined the meeting.</p> <p>The secondary legislation was with the legislative drafter. A few minor agreed changes were to be made as a result of the recent consultation. The Board would give final approval and the instruments could then progress.</p> <p>Mr Thomas referred to the Tynwald Register of Business on which appeared:</p>	

	<ul style="list-style-type: none"> • The Fair Trading (Exclusion of Course of Conduct) (Reserving Process) Order 2024 SD 2024/0142. • The Fair Trading (Exclusion of Course of Conduct) (Application of the GPA Exemption Criteria) Order 2024 SD 2024/0144. <p>These were made under Fair Trading Act 1996.</p> <p>The Head of OFT was to review these. Exclusions under the Competition Act 2021 required OFT consultation. This was not a requirement under the Fair Trading Act 1996.</p>	JRP
2024 05/10	<p>MEDICINAL CANNABIS</p> <p>The paper dated 14th May 2024 was considered. It was agreed that further action would be inappropriate at the current time but that liaison with the Department of Health and Social Care should continue. The matter was to be reviewed when additional licences were in place.</p> <p>Mr Thomas referred to provisions relating to licensing within the National Health Services Act 2001.</p>	ZAM
2024 05/11	<p>MANX UTILITIES TARIFF CHANGES AND SMART METERS</p> <p>The paper dated 14th May 2024 was noted. This gave further explanation of tariff changes being phased across the customer base's staggered 3 monthly cycle. It also described arrangements associated with rollout of smart meters, including additional cost implications for customers who preferred a smart meter without the communications module.</p>	-
2024 05/12	<p>VETERINARY SERVICES</p> <p>The paper dated 14th May 2024 was noted. This provided a brief overview of the veterinary market in the IOM and referred to the issue of vets not offering payment plans for their services.</p> <p>It was noted that vets were required to comply with UK law due to their obligations as members of the Royal College of Veterinary Surgeons.</p> <p>The UK Competition and Markets Authority had recently decided to refer the supply of veterinary services for household pets for a market investigation. It was agreed to check timescales for this with a view to re-considering the matter when the review had been completed.</p> <p>Mr Glover and Mr Miah left the meeting.</p>	ZAM

<p>2024 05/13</p>	<p>OFT ANNUAL REPORT 2023/24</p> <p>The draft report was being finalised and would be circulated for comment when completed.</p>	<p>NRT</p>
<p>2024 05/14</p>	<p>OFT BUSINESS PLAN 2024/25</p> <p>A draft plan was to be prepared and would be circulated for comment when completed.</p>	<p>NRT/ JRP</p>
<p>2024 05/15</p>	<p>ANY OTHER URGENT BUSINESS</p> <p><u>LAY MEMBERS PAYMENT</u></p> <p>The Secretary was to clarify whether Lay Members’ payments were taxable. In addition, a link to PiP was to be circulated.</p> <p><u>TT 2024</u></p> <p>The OFT’s involvement in preparation for the TT 2024 was discussed, including licencing of Non-Resident Traders (18 to date), attendance at the pit lane, paddock and races, and monitoring of the fair etc.</p> <p><u>EVEREST UK</u></p> <p>Everest 2020 Ltd. in the UK was in administration. Contact had been made by several concerned customers. The OFT was likely to be in a position to issue a media release within the following week or two.</p> <p><u>IOM STEAM PACKET COMPANY SEA SERVICES AGREEMENT</u></p> <p>Mr Bathgate asked if the Sea Services Agreement was still in place. Mr Thomas declared an interest and clarified the position. The existing 25 year Sea Services Agreement had been in place since 2019. Tynwald had resolved at its November 2023 sitting that the Department of Infrastructure report on the Steam Packet’s compliance with the terms of the Agreement. The DoI had not published a compliance report. Tynwald had subsequently established a Select Committee in January 2024 to review the matter.</p> <p>The DoI report was to be requested and Tynwald debate was to be circulated, together with the related Fair Trading Act Exclusion Order</p>	<p>NRT</p> <p>-</p> <p>MS</p> <p>NRT/ JRP</p>
	<p>The meeting closed at 12.00.</p> <p>Signed _____ T S Glover MHK _____</p> <p>Dated _____ 27th June 2024 _____</p> <p>Chairman</p>	