

MINUTES OF A MEETING OF THE BOARD OF THE ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 20TH SEPTEMBER 2023 AT 9.30 AM IN THE 'BALLAGLASS' MEETING ROOM, THIE SLIEAU WHALLIAN, ST JOHNS		
	TO PUBLISH	ACTION
PRESENT	Mr J C Wannenburg MHK, Chairman Mr S G Peters, MHK, Vice-Chairman (all items excluding 2023/08/10) Mr M J Bathgate, Member Mr L Wong, Member Mr B Murphy, Member Mr I Kiely, Chief Executive Officer, Communications and Utilities Regulatory Authority (for item 2023/08/04 only)	
SUPPORTED BY	Mr J R Peet, Head of OFT Mr N R Taylor, Secretary to the Board	
APOLOGIES	Ms V McLauchlan, Director of OFT	
2023/08/01	CONFLICTS OF INTERESTS Members and officers considered agenda items in which they had interests or may have been conflicted. Mr Peters was recused from discussion of item 2023/08/10 due to his position with the Department of Infrastructure.	-
2023/08/02	MINUTES OF PREVIOUS MEETING HELD ON 15TH AUGUST 2023 The Minutes of the meeting of 15 th August 2023 were reviewed, agreed, and signed by the Chairman as a true record of proceedings.	-
2023/08/03	MATTERS ARISING The Board Actions Update and Agenda Planner dated 14 th September 2023 was noted. <u>DOMESTIC CUSTOMER PREPAYMENTS – MONEY HELD BY MANX GAS AND MUA – 2022/05/06 & 2022/08/03</u> At the Keys sitting of 8 th March 2022, the Chairman had undertaken to look into the issue of customer money held by utilities companies and relevant protection. The Chairman was to speak to Mr Thomas MHK to discuss what residual action may have been required.	JW

	<p><u>OFT DELEGATIONS – 2023/07/07</u></p> <p>The new permanent Chief Officer of DEFA, Scott Gallacher, was to start work on 25th September 2023. The Board agreed to use powers under 3(1) of the Statutory Boards Act 1987 to delegate functions to Mr Gallacher in his role as Chief Officer and Accounting Officer of the OFT. This was as described in 5.4 of the DEFA/OFT Service Level Agreement dated 14th January 2019.</p> <p>The Chairman was duly authorised to execute the delegation.</p> <p>This arrangement was subject to review and likely change, as part of OFT independence.</p> <p><u>CONSUMER PROTECTION – 2023/02/11</u></p> <p>A paper was still to be prepared to consider useful protection similar to the UK Enterprise Act.</p>	NRT
2023/08/05	<p>ISLE OF MAN ENERGY BILLING ISSUES</p> <p>This item was taken out of agenda order.</p> <p>The situation was continuing to be monitored. Numbers of complaints about billing issues had reduced, but cases of supply disconnections had been arising. Two anonymised illustrative cases were discussed. Both Manx Utilities and Isle of Man Energy had been asked to provide their disconnection procedures to clarify the warning process.</p> <p>Mr Murphy acknowledged that the OFT continued to help customers in trouble. There was however a bigger issue with the cost of living crisis, with unaffordable household bills, and concern as to what Government was doing to help, particularly over the coming winter.</p>	JRP
2023/08/04	<p>MEET WITH COMMUNICATIONS AND UTILITIES REGULATORY AUTHORITY</p> <p>Mr Ivan Kiely of CURA attended at 10.00 am.</p> <p><u>GAS (ECONOMIC REGULATION) BILL AND ISLE OF MAN ENERGY</u></p> <p>Mr Kiely confirmed that the Gas (Economic Regulation) Bill was progressing. Policy had been confirmed by the Cabinet Office, working with the Council of Ministers, and an instruction was currently with the legislative drafters. Consultation on a draft Bill would follow, hopefully within coming weeks. Legislation and powers within the Bill were intended to be in line with best practice in other jurisdictions.</p> <p>In terms of current gas regulation, CURA set the tariff parameters, and other aspects of consumer protection sat with the OFT.</p>	

	<p>In the event that Isle of Man Energy over-earned, this would be paid back to customers through tariff adjustment.</p> <p>It was appreciated that there were significant differences between the Isle of Man and UK markets, with economies of scale, and a UK regulatory regime which allowed operators to become insolvent.</p> <p>Mr Bathgate referred to the poor customer service experienced by Island Energy customers.</p> <p><u>MOBILE PHONE NETWORKS</u></p> <p>Mr Kiely confirmed that there was no restriction to UK companies operating on the Island. Mast use was regulated, so sharing was possible. Lack of scale precluded large providers from wishing to offer services here.</p> <p>Mr Kiely left the meeting.</p>	
2023/08/06	<p>OFT INDEPENDENCE</p> <p>Following the last meeting, a letter dated 22nd August 2023 had been sent to DEFA expressing the Board's views. No response had been received to date, but it seemed positive that agreement could be reached. An update was to be requested.</p> <p>The issue of a Regulatory Hub was ongoing. The Chairman was to ask for an update.</p>	<p>NRT</p> <p>JCW</p>
2023/08/07	<p>STAFFING AND SUCCESSION PLANNING</p> <p>Interviews for the Senior Trading Standards Officer vacancy were to be held on 10th October 2023.</p> <p>Mr Wong kindly offered to assist in briefing applicants on the Island.</p>	-
2023/08/08	<p>FSOS ANNUAL REPORT</p> <p>The paper dated 4th September 2023 covering the draft 2022/23 FSOS Annual Report was considered. The report was approved for publication on the OFT website. A track-change version was requested for future reports.</p> <p>The Financial Services Authority was developing a Bill which included proposed increase to the FSOS award limit.</p> <p>It was not currently possible to publish names of providers who had complaints against them upheld by adjudicators. Relevant statute was to be circulated. Provision to publish in the UK was being investigated.</p>	<p>NRT</p> <p>JRP</p>

2023/08/09	BOARD MEETING DATES 2024 <p>The paper dated 13th September 2023 listing Board meeting dates for 2024 was considered and agreed.</p> <p>Dues to availability, it was agreed to alter the meeting dates for the remainder of 2022 to be:</p> <p>3rd November 2023 8th December 2023</p>	NRT
2023/08/11	ANY OTHER URGENT BUSINESS <p>This item was taken out of agenda order.</p> <p><u>NURSING HOME FEES</u></p> <p>The OFT had previously considered the issue of levels of nursing home fees. Issues had arisen and a paper was to be prepared to review the subject.</p> <p><u>ISLE OF MAN POST POSTAGE AND COURIER CHARGES</u></p> <p>Issues had arisen and a paper was to be prepared to review the subject.</p> <p><u>WEIGHTS AND MEASURES PRESCRIBED STAMP</u></p> <p>Secondary legislation was to be prepared to change the prescribed stamp to reference "C III R" instead of "E II R"</p> <p>The Manx Standards were to be re-validated on 23rd October 2023.</p>	JRP JRP JRP
2023/08/10	POTENTIAL ANTI-COMPETITIVE PRACTICE <p>Mr Peters left the meeting for this item.</p> <p>The paper dated 14th September 2023 concerning a complaint of anti-competitive practice was considered. The Board agreed that there were insufficient grounds to justify an investigation on the ground of potential anti-competitive practice.</p>	-
2023/08/12	<p>The meeting closed at 12:50 pm</p> <p>Signed _____ J W Wannenburgh MHK_____</p> <p>Dated _____ 3rd November 2023_____</p> <p>Chairman</p>	