

MINUTES OF A MEETING OF THE BOARD OF THE ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 3RD NOVEMBER 2023 AT 9.30 AM IN THE 'SILVERDALE' BOARDROOM, THIE SLIEAU WHALLIAN, ST JOHNS		
	TO PUBLISH	ACTION
PRESENT	Mr J C Wannenburg MHK, Chairman Mr S G Peters, MHK, Vice-Chairman Mr M J Bathgate, Member Mr L Wong, Member Mr B Murphy, Member	
SUPPORTED BY	Mr S Gallacher, Chief Officer OFT (for item 06 only) Ms V McLauchlan, Director of OFT (for all items from 04 onwards) Mr J R Peet, Head of OFT Mr N R Taylor, Secretary to the Board	
2023/09/01	CONFLICTS OF INTERESTS Members and officers considered agenda items in which they had interests or may have been conflicted. None were identified.	-
2023/09/02	MINUTES OF PREVIOUS MEETING HELD ON 20TH SEPTEMBER 2023 The Minutes of the meeting of 20 th September 2023 were reviewed, agreed, and signed by the Chairman as a true record of proceedings.	-
2023/09/03	MATTERS ARISING The Board Actions Update and Agenda Planner dated 27 th October 2023 was noted. <u>DOMESTIC CUSTOMER PREPAYMENTS – MONEY HELD BY MANX GAS AND MUA – 2022/05/06 & 2022/08/03 & 2023/08/03</u> The Chairman had spoken to Mr Thomas MHK and there was no residual OFT action required.	-
2023/09/05 (i)	OFT INDEPENDENCE – MEMBERS' DISCUSSION This item was taken out of agenda order. The DEFA letter of 13 th October 2023 concerning OFT independence was discussed. The letter referred to OFT underspend. Members noted that this underspend related to vacancies and was planned to	

	<p>be utilised. It was a prime aim of the Board to ensure that the correct staff structure was in place and this was critical to a successful transition to independence. It was to be proposed to work with DEFA to affirm staff structure plans and costs first, which would then inform necessary budget to progress independence.</p> <p>In terms of accommodation, officer discussions had resulted in the proposal for the OFT to have dedicated use of the large room, access to some storage in the attic above the rear office, and use of the room to the right of the door as a shared meeting room. Whilst the DEFA letter had given concern as to ongoing use of this meeting room, comfort had been provided that the room was to be intended to be left as a meeting room going forward. Members considered the facilities as discussed above and voted unanimously to agree a move to the new accommodation.</p> <p>The subject was to be discussed further with the Chief Officer when he joined the meeting later in the morning.</p>	-
2023/09/04	<p>ISLE OF MAN ENERGY BILLING ISSUES</p> <p>Ms McLauchlan joined the meeting.</p> <p>A Tynwald question from Mrs Maltby MHK for written answer querying numbers of gas complaints from vulnerable customers was being prepared (see also 2023/09/16).</p> <p>There was concern expressed about suggestion that Isle of Man Energy was closing-down its customer service counter on the Island.</p> <p>Around 600 complaints had been made to the OFT since September 2022. Recently, complaints had increasingly related to disconnection and those affecting more vulnerable customers.</p> <p>The media release agreed at a previous meeting remained outstanding. This was to be directed towards vulnerable people.</p>	JRP
2023/09/05 (ii)	<p>OFT INDEPENDENCE – DISCUSSION WITH CHIEF OFFICER</p> <p>Chief Officer, Scott Gallacher joined the meeting.</p> <p>The Chairman welcomed Mr Gallacher. The Chairman confirmed to Mr Gallacher that the OFT would like to take advantage of the offer to relocate the staff team to the Old Forestry Office. The Board would however like more time to discuss staff structure and necessary resources.</p> <p>Mr Gallacher said that he was happy to support this approach, to help to identify the optimal makeup of the OFT going forward, and to ensure that it was geared-up for success. The platform needed to be as strong as possible, with optimal team and expertise. Thereafter, the OFT would liaise direct with Treasury. The Chairman could be involved in Treasury discussions.</p>	

	<p>Members expressed the wish to support officers and the view that autonomy should not be rushed. Ultimately, the OFT should be properly equipped and focus not on bureaucracy, but on the best outcomes for consumers.</p> <p>The outcome of discussions was to be confirmed in writing, with a draft to be agreed by email.</p> <p>Mr Gallacher left the meeting.</p>	NRT
2023/09/06	<p>STAFFING AND SUCCESSION PLANNING</p> <p>The appointee to the post of Senior Trading Standards Officer was due to start in January 2024.</p> <p>Reference was made to the previously-reported staff due to retire in 2024.</p>	-
2023/09/07	<p>SHOPRITE TESCO PURCHASE</p> <p>The paper referencing Tynwald debate at its sitting of 17th October 2023 was noted. There had been reference to the OFT and to delayed progression of the secondary legislation required to implement the Competition Act 2021.</p> <p><u>COMPETITION ACT 2021 SECONDARY LEGISLATION</u></p> <p>Drafts of the necessary secondary legislation to enable the introduction of the Act was to be circulated for approval prior to public consultation.</p>	JRP
2023/09/08	<p>ESTATE AGENTS BILL</p> <p>Drafting instructions had been scheduled to be prepared for October 2023. This had not been achieved. The Head of OFT was to review paperwork and provide an updated timetable.</p>	JRP
2023/09/09	<p>NURSING HOME CHARGES</p> <p>A paper was being finalised which would be circulated in due course.</p>	-
2023/09/10	<p>FSOS STATISTICS</p> <p>The paper dated 3rd October 2023 was noted. An overview of issues was requested for future reports.</p>	JRP
2023/09/11	<p>EQUALITY STATISTICS</p> <p>The paper dated 3rd October 2023 was noted.</p>	-

2023/09/12	RISK REGISTER The updated Risk Register dated 30 th October 2023 was noted. Reference to resourcing in Competition and Markets was to be reviewed and reworded. It was to be discussed in the context of the Competition Act. There was also discussion as to where the function should sit. It was noted that the staffing and resourcing plan required to implement the OFT independence project should effectively address the skills and staffing issues highlighted in the Risk Register.	JRP
2023/09/13	TRADING STANDARDS ENFORCEMENT UPDATE The paper dated 12 th October 2023 was noted. The Head of OFT reported that the weights and measures revalidation had been successfully achieved. Instances of cold-calling by visiting itinerant traders was discussed. A media release was to be prepared. There was discussion about the continued value of work permits to consumer protection in regard to visiting cold callers. This was timely due to current consultation on the future of the work permit regime.	JRP/ NRT
2023/09/14	CONSUMER ADVICE & DEBT STATISTICS The papers dated 8 th October 2023 were noted.	-
2023/09/15	FINANCIAL SUMMARY The paper dated 26 th October 2023 was noted.	-
2023/09/16	ANY OTHER URGENT BUSINESS <u>PARLIAMENTARY QUESTIONS</u> Answers to the following questions for written answer were being prepared: <ul style="list-style-type: none"> • Mrs S Maltby MHK regarding Isle of Man Energy vulnerable customers. • Mr T Glover MHK regarding FoI requests received. 	
2023/09/17	The meeting closed at 13:10. Signed _____ T Glover MHK _____ Dated _____ 8 th December 2023 _____ Chairman	