

**MINUTES OF A MEETING OF THE BOARD OF THE
ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 28TH MARCH 2024 AT 9.30 AM
IN THE 'SILVERDALE' BOARDROOM, THIE SLIEAU WHALLIAN, ST JOHNS**

	TO PUBLISH	ACTION
PRESENT	Mr T S Glover MHK, Chair Mr C Thomas, Vice Chair (for items 1-12 only) 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 N R Taylor, Secretary to the Board	
2024 03/01	WELCOME NEW VICE-CHAIR Mr Thomas was welcomed as the new Vice-Chair of the Board.	-
2024 03/02	CONFLICTS OF INTERESTS Members and officers considered agenda items in which they had interests or may have been conflicted. None were identified. Mr Thomas advised that he kept his Tynwald Declaration of Interests up to date, which could be referred to for the purposes of potential conflicts. In regard to the day's agenda, Mr Thomas made reference to his foreword within the "Future Funding Nursing & Residential Care July 2018" report (item 2024 03/11 Appendix 3), his involvement as former Minister for Policy and Reform with the Regulatory Review (item 2024 03/06), and his being former Chair of the IOM Post Office (item 2024 03/12). These did not require recusal from these items.	-
2024 03/03	MINUTES OF PREVIOUS MEETINGS HELD ON 29TH FEBRUARY 2024 The Minutes of the meeting of 29 th February 2024 were reviewed, agreed, and signed by the Chairman as a true record of proceedings.	-
2024 03/04	MATTERS ARISING The Board Actions Update and Agenda Planner dated 22 nd March 2024 was noted.	

	<p>Following a query from Mr Murphy, the process of publishing minutes was explained.</p> <p><u>HOME IMPROVEMENT COMPLAINTS – 2023/11/04</u></p> <p>The Head of OFT was to speak to Planning & Building Control after Easter to secure DEFA support.</p> <p><u>OMBUDSMAN SERVICES – MONEYLENDERS – 2022/06/04</u></p> <p>The Head of OFT gave an update. He was to review the legal advice in regard to publication of the Register.</p> <p><u>COMPUTER SECURITY – 2024/02/14</u></p> <p>GTS was reviewing the use of iPads.</p>	-
<p>2024 03/05</p>	<p>ISLE OF MAN ENERGY</p> <p>IOM Energy’s ‘Vulnerable Customer’ criteria were not evident on its website. This was to be chased in light of changes required by The Vulnerability Order</p> <p>The price of bottled gas had reduced. This product was to be monitored monthly by the OFT.</p> <p>Customer complaints to the OFT about billing issues had reduced to a trickle.</p> <p>The Chairman had been copied-in to a complaint letter addressed to IOM Energy. It appeared that this had been resolved.</p> <p>Mr Thomas referred to his statement in Tynwald that 200 payment plans had been put in place, although many of these would not clear the outstanding debts. It was noted that the OFT had limited vires to assist.</p> <p>The Board was still to receive details of the proposed CURA gas regulation legislation. Tynwald Members had been given a presentation. CURA was to be asked for an update and copy of Members’ briefing and consultation document.</p> <p>It was queried whether the OFT had received complaints from electricity customers. This would be checked. The OFT would similarly try to mediate any billing issues.</p>	<p>JRP</p> <p>JRP</p> <p>JRP</p>

<p>2024 03/06</p>	<p>OFT INDEPENDENCE</p> <p>The Terms of Reference for the organisational review had been updated by the Director and were to be circulated for final approval.</p> <p>The proposed Regulatory Review/Hub remained under discussion. The OFT review was to focus on functions and resources which would be useful work regardless of any changes resultant from the Regulatory Review.</p> <p>Mr Thomas described the independence and financial arrangements of Culture Vannin.</p> <p>Mr Murphy acknowledged the need for visible independence, but noted that the current setup worked reasonably well.</p> <p>Mr Bathgate referred to the importance of clear processes of independence as well as perception.</p>	<p>VM</p>
<p>2024 03/07</p>	<p>STAFFING AND SUCCESSION PLANNING</p> <p>The newly recruited Ombudsman Services Manager was to start work on 15th April 2024, which would allow a handover with the retiring postholder.</p> <p>The request to regrade a post from Assistant Trading Standards Officer to Trading Standards Officer was progressing.</p>	<p>-</p>
<p>2024 03/08</p>	<p>ATOL PROTECTION IN RELATION TO ISLE OF MAN</p> <p>The Head of OFT was to seek an update.</p>	<p>JRP</p>
<p>2024 03/09</p>	<p>ESTATE AGENTS BILL</p> <p>The Head of OFT advised that his target was to have instructions for the drafter by early May 2024.</p> <p>There was further discussion around the desire to require membership of a professional body.</p> <p>There was discussion about the 2017 draft Estate Agents Bill and the stalling impact of the Property Agents Bill at that time. The 2017 OFT consultation on the subject made reference to use of section 62A of the Consumer Protection Act to provide redress for customers. The OFT had subsequently concluded that this was not possible.</p>	<p>-</p>

<p>2024 03/10</p>	<p>COMPETITION ACT SECONDARY LEGISLATION CONSULTATION</p> <p>The consultation summary was to be finalised prior to Board consideration. The target was to reach June 2024 Tynwald.</p>	<p>-</p>
<p>2024 03/11</p>	<p>CARE/NURSING HOME FEES</p> <p>The paper dated 21st March 2024 was discussed. This related to a request from Julie Edge MHK for the OFT to review nursing home charges. The paper referred to the 2006 Report on Investigation into Nursing Home Charges by the Isle of Man Office of Fair Trading, the 2007 OFT Report on Investigation into Nursing Home Charges, and the 2018 Council of Ministers Future funding Nursing & Residential Care. It was agreed to await the outcome of the Cabinet Office/Department of Social Care project 'What will Care Cost YOU'. Timescales for this project were to be requested.</p> <p>There was discussion around the OFT's remit to investigate prices and cross-subsidisation.</p>	<p>JRP</p>
<p>2024 03/12</p>	<p>POSTAL/COURIER CHARGES</p> <p>The paper dated 21st March 2024 was considered. This concerned a complaint made via Dr Allison MHK from a constituent who had experienced what he felt were excessive postage charges to the Island. Due to the nature of the complaint, with items being posted from mainland Europe, there was very limited action the OFT could take on the specific case. No other similar complaints had been received. A response to Dr Allinson was to be prepared.</p> <p>Mr Thomas left the meeting.</p>	<p>JRP/ ZAM</p>
<p>2024 03/13</p>	<p>WEBSITE REVIEW</p> <p>Members had reviewed the website. Whilst the format was generally acceptable, there was discussion around making 'latest news' more prominent and including additional useful consumer advice and pointers. Any 'quick wins' were to be actioned.</p>	<p>NRT</p>
<p>2024 03/14</p>	<p>ANY OTHER URGENT BUSINESS</p> <p><u>FUEL LEAK</u></p> <p>Ongoing checks were being made twice per week. The site was deemed safe and the problem experienced did not seem to be recurring.</p>	<p>-</p>

	<p><u>OFT BUDGET</u></p> <p>The OFT budget had been separated-out from the Regulation Directorate for 2024/25. The overall budget had been increased by 11%. The post of Secretary to the Board continued to report to DEFA Corporate Services and was paid from that budget. Any significant changes to OFT budget required Board approval as per the service Level Agreement with DEFA.</p> <p><u>TELECOMS PROVIDERS</u></p> <p>Trading Standards was considering recent actions of local telecoms providers.</p>	<p>-</p> <p>-</p>
	<p>The meeting closed at 11.45 am.</p> <p>Signed _____ T S Glover MHK _____</p> <p>Dated _____ 25th April 2024 _____</p> <p>Chairman</p>	