

**MINUTES OF A MEETING OF THE BOARD OF THE
ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 28TH SEPTEMBER 2017 AT 9:00 AM**

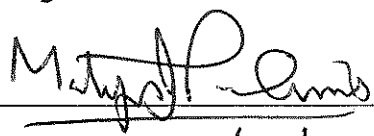
	FOR PUBLICATION	ACTION
PRESENT	Mr M J Perkins MHK, Chairman Mr C G Corkish MBE MLC, Vice-Chairman Mrs C F S Convery, Member Mrs J Bridson, Member (for items from 2017/09/04) Mrs K Lord-Brennan, Member (for items from 2017/09/06)	-
SUPPORTED BY	Mr M J Ball, Director Mr J R Peet, Chief Inspector of Trading Standards Mr N R Taylor, Secretary to the Board Mr Z A Miah, Economist Competition and Markets (for item 2017/09/04) Mrs P A Wood, Ombudsman Schemes Manager (for items 2017/09/13 to 2017/09/16)	-
-	The meeting started earlier than had been scheduled to enable the Chairman and Director to attend a Council of Ministers' meeting later in the day (see item 2017/09/04B). Due to the earlier start time, certain items were taken out of agenda order to maximise discussion time on certain items with all Members.	-
2017/09/03	FINANCIAL STATEMENT TO THE END OF AUGUST 2017 The summary report to the end of August 2017 was noted. There were no significant funding problems anticipated for the remainder of the year. DEFA had made its budget submission to Treasury for the 3 years from 1 st April 2018. This included provision for the OFT. DEFA had an obligation as per the Service Level Agreement to adequately resource the OFT to undertake its functions.	-
2017/09/06	PROGRAMME FOR GOVERNMENT Mrs Lord-Brennan joined the meeting at 9.10 am a) <u>ECONOMIC REGULATION</u> There was no significant development to report. b) <u>REGULATORY FRAMEWORK</u> A draft of the first report had been prepared for the Cabinet	

	Office, which was the lead agency for the project. This report was to be submitted via the DEFA Chief Executive.	-
2017/09/07	<p>COMPETITION BILL (Last Minute to which refers 2017/08/07)</p> <p>The Director advised that a draft Bill had been received from the legislative drafters. This was being reviewed, to be developed further.</p>	-
2017/09/01	<p>MINUTES OF PREVIOUS MEETING HELD ON 27th JULY 2017 FOR APPROVAL</p> <p>The minutes of the meeting of 27th July 2017 were agreed by Members and, with a clarifying amendment to one element within item 2017/08/05, were signed by the Chairman as a true and accurate record of proceedings.</p>	-
2017/09/02	<p>MATTERS ARISING</p> <p>The Action Update and Agenda Planner was noted.</p> <p><u>2017/08/04 MANX GAS REGULATION</u></p> <p>Arrangements were to be confirmed for the Manx Gas presentation to Tynwald Members on 21st November 2017. A letter of invitation from the Chairman was to be arranged. Lay Members were to attend.</p> <p><u>2016/07/13 CONSTRUCTION & HOME IMPROVEMENT SECTOR – DEFINITION OF TERMS</u></p> <p>It was agreed to alter the 'due date' on this item to February 2018.</p> <p><u>2017/08/08 CONSUMER ADVICE STATISTICS</u></p> <p>OFT actions to encourage good budgeting were discussed. This included media releases and presentations to secondary schools' 6th Form groups etc. Website material was due to be reviewed to be clearer and more readily accessed.</p> <p><u>2017/08/21 CREDIT CARDS</u></p> <p>Whilst there was an ongoing issue, it was understood that some providers were extending credit card accounts to the Isle of Man.</p>	<p>ZAM</p> <p>-</p> <p>NRT</p> <p>-</p>

<p>2017/09/04</p>	<p>MANX GAS REGULATION (Last Minute to which refers 2017/08/04)</p> <p>Mrs Bridson joined the meeting at 9.40 a.m. Zahed Miah joined the meeting at 9.40 a.m.</p> <p><u>A) QUARTERLY REGULATORY REVIEW</u></p> <p>The paper dated 18th August 2017 was discussed. The paper reviewed analysis of 2017 second quarter accounts in monitoring compliance with the Regulatory Agreement. Members noted that recent tariff and standing charges were in compliance with the terms of the Agreement.</p> <p><u>B) COMIN PAPER</u></p> <p>A Council of Ministers paper had been requested as a result of recent public concerns and demonstration in order to advise Council of the current situation concerning regulation of the gas market.</p> <p>The draft of the Council paper had been agreed by Members by email. The final paper, as submitted, was noted. The Chairman and Director were to attend the Council meeting later in the day to discuss the paper.</p> <p>Whilst there was an apparent political will to review regulation of the sector, it was agreed important to determine clearly defined desired outcomes prior to any negotiation with Manx Gas.</p> <p>Zahed Miah left the meeting at 10.00 a.m.</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p>
<p>2017/09/05</p>	<p>PUBLICITY, ENGAGEMENT AND COMMUNICATIONS</p> <p>Mrs Lord-Brennan had spoken to the Secretary in regard to developing a more consistent and corporate approach to the OFT's public interface – advice, media campaigns, website, presentations etc.</p> <p>Mrs Lord-Brennan offered to draft a framework as a starting point and suggested that a brief session with a marketing consultant might be cost-effective.</p> <p>The matter was timely as the OFT was to streamline its website in the imminent future. The matter was to be discussed further at the next meeting.</p>	<p>-</p> <p>KLB/NRT</p>
<p>2017/09/08</p>	<p>COMPETITION AND MARKETS UPDATE</p> <p>There were no significant matters to report.</p>	<p>-</p>

2017/09/09	BREXIT Other than ongoing review of existing legislative provision in preparation for BREXIT, there were no significant matters to report.	-
2017/09/10	STAFFING The Director advised that an offer of employment had been made to a UK-based Manx Graduate for the vacant post of Competition and Markets Executive. It was hoped that the new officer would be in post in November 2017.	-
2017/09/11	KEY PERFORMANCE INDICATORS The paper dated 21 st September 2017 was discussed and noted. For consistency, it was agreed that there should be comments against each target and that there should be a key to any target marked blank/white. There was discussion around postponing fee review until the regulatory review had been completed and acknowledgement that submission of estate agents drafting instructions was to be achieved later than the target date.	NRT
2017/09/12	RISK REGISTER The paper dated 19 th September 2017 was discussed and noted.	-
2017/09/13	FSOS ANNUAL REPORT Pauline Wood joined the meeting at 10.45 a.m. The paper dated 5 th September 2017 covering a draft annual report for the FSOS was discussed. With two minor amendments to aide clarity, the draft was approved for publishing.	PAW/NRT
2017/09/14	FSOS CUSTOMER SURVEY The paper dated 7 th September 2017 discussing the 2016 FSOS customer survey and proposals in regard to the conducting of future surveys was noted.	-
2017/09/15	CARD CHARGES (Last Minute to which refers 2017/08/21C) The paper dated 18 th September 2017 was discussed. Members agreed and approved: (a) the policy principle that the prohibition of surcharges for	

	<p>payments by credit and debit cards should apply to the Isle of Man on the same basis that it applied in the United Kingdom,</p> <p>(b) the draft policy paper to the Council of Ministers; and the seeking of Treasury concurrence thereto,</p> <p>(d) the draft media release which was to be issued once the policy has been approved by the Council of Ministers.</p> <p>A draft Consumer Rights (Payment Surcharges) Regulations (Application) Order 2017 (intended to be included at Appendix 1 to the paper) had not been ready in time for Board consideration. Once drafting changes were completed by HM Attorney General, the draft Order would be circulated to Members for approval, with a view to the Chairman then signing the Order on behalf of the Board.</p>	JRP/SMcI
2017/09/16	<p>EXEMPTIONS UNDER THE MONEYLENDERS ACT 1991</p> <p>The paper dated 4th September 2017 was discussed.</p> <p>Members agreed in principle to make Regulations under section 17(1B) of the Act which would specify that a person who was previously an exempt person for the purposes of the Act but who had ceased to lend money to Manx residents and had ceased to lend money from the Isle of Man continued to be exempt for the sole purpose of collecting monies whilst he was exempt from registration. The continued exemption would be subject to the loan book being held outside the Island by a person who remained regulated by the competent authority in the United Kingdom, the Channel Islands or, as long as the United Kingdom is a member of the European Union, an EU Member State.</p> <p>Draft Regulations were to be prepared for consideration.</p> <p>Pauline Wood left the meeting at 11.10 a.m.</p>	PAW
2017/09/17	<p>ESTATE AGENTS CONSULTATION (Last Minute to which refers 2017/08/15)</p> <p>The Chief Inspector of Trading Standards advised that the consultation summary had been published on the OFT website and that it was intended that drafting instructions would be prepared by the end of the year. The matter would revert to the Board in due course.</p>	JRP
2017/09/18	<p>REGULATION OF NICOTINE INHALING PRODUCTS (Last Minute to which refers 2017/02/15)</p> <p>The Chief Inspector of Trading Standards advised that a range of</p>	

	options for regulatory options had been discussed with the Attorney General's Chambers. These were to be discussed with the Department of Health and Social Care with a view to determining a way forward and agreeing which agency would lead the drafting. The matter would revert to the Board in due course.	JRP
2017/09/19	PARLIAMENTARY QUESTIONS There had been no direct questions to the OFT since the last meeting, although contributions had been made to other questions in regard to such matters as Government expenditure on staff and Members' expenses etc.	-
2017/09/20	ENFORCEMENT UPDATE The Chief Inspector of Trading Standards gave an oral update on a variety of cases including itinerant workers painting lines and laying tarmac, cowboy builders, cold-calling and unfair contract terms.	-
2017/09/21	CURRENT AFFAIRS & MEDIA UPDATE The paper dated 20 th September 2017 was discussed. This reported the very significant media attention around the Manx Gas demonstration of 19 th September 2017.	-
2017/09/22	BOARD MEETING DATES 2018 The paper dated 19 th September 2017 was discussed. The dates for 2018 Board Meetings were agreed.	NRT
2017/09/23	DATE AND TIME OF NEXT MEETING The next meeting was to be 2 nd November 2017 at 9.45 a.m.	NRT
2017/09/24	ANY OTHER URGENT BUSINESS There was no other urgent business.	-
2017/09/23	The meeting closed at 11.40 am. Signed <u></u> Dated <u>2/11/17</u> Chairman	-