MINUTES OF A MEETING OF THE BOARD OF THE ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 27TH JUNE 2018 AT 1:00 PM		
	TO PUBLISH	**ACTION**
PRESENT	Mr M J Perkins MHK, Chairman Mrs K A Lord-Brennan MLC, Vice-Chairman (for items from 2018/06/08 to and including 2018/06/19) Mrs C F S Convery, Member Mrs J Bridson, Member (for items to and including 2018/06/11) Dr M Maska, Member	-
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 & Markets (for items 2018/0607 to and including 2018/06/19A) Mr F Williams, Competition & Markets Executive (for items 2018/0607 to and including 2018/06/19A)	-
2018/06/01	**BOARD MEMBERSHIP** (Last Minute to which refers 2018/05/01) Dr Maska was welcomed to the Board as new Lay Member.	-
2018/06/02	**MINUTES OF PREVIOUS MEETING HELD ON 31ST MAY 2018** The Minutes of the meeting of 31st May 2018 were agreed and signed by the Chairman as a true and accurate record of proceedings.	-
2018/06/03	**MATTERS ARISING** The Board Action Update and Agenda Planner dated 21st June 2018 was noted.	-
2018/06/04	**FINANCIAL YEAR-END SUMMARY TO THE END OF MAY 2018** The paper dated 20th June 2018 was considered. Being early in the financial year, it was difficult to anticipate year end figures, but no significant problems were anticipated.	-

2018/06/05	**(AGRICULTURAL) MARKETING COMMITTEE** A meeting of the Committee was scheduled for 18th July 2018 to discuss milk pricing. It was explained that Lay Members had been nominated by the OFT as consumer representatives on the Sub-Committee. Mrs Bridson asked that background information be provided prior to the meeting in order for any decisions to be considered. This was to be requested.	**NRT**
2018/06/06	**ESTATE AGENTS AMENDMENT BILL** (Last Minute to which refers 2018/05/06) A paper had been submitted to the Council of Ministers Legislation Sub-Committee as part of the "approval to draft" procedure.	-
2018/06/07	**COMPETITION BILL** (Last Minute to which refers 2018/05/07) Mrs Lord-Brennan joined the meeting at 2.00 pm. The paper dated 13th June 2018 was discussed. Members noted the consultation submissions contained in the draft Summary of Responses. There was discussion around: • The processes of 'exemption', within both the Bill or by Order. Concerns around Council of Ministers ability to exempt were partially mitigated by the need for Tynwald approval and the potential for petition of doleance. • Specific arrangements or considerations around Government assistance/support schemes. • The merits of including a definition or framework for determining what would constitute 'national interest'. • Common themes which had been raised by the agricultural community. Submissions, inclusive of the issues listed above, were to be reviewed to develop the document as a full response to consultation, considering any resultant proposed amendments to the Bill. The full draft document was to be presented to the Board for approval at the July meeting.	**ZAM/MJB**

2018/06/08	**MANX GAS** A. <u>COUNCIL OF MINISTERS PAPER</u> Due to queries raised by the Minister for Environment, Food and Agriculture, the paper had been withdrawn on the authority of the Chairman and had not therefore been considered by Council. A meeting was to be arranged by DEFA between the Chief Minister, the Minister for Policy and Reform, the DEFA Minister, the Chairman and relevant officers to seek to identify a way forward. B. <u>GAS REVIEW COMMITTEE</u> See above. C. <u>QUARTERLY UPDATE</u> The paper dated 14th June 2018 was noted. Whilst it was early in the year, there was no reason to suggest that Manx Gas would not be broadly compliant with regulatory requirements at year-end 2018.	- -
2018/06/09	**ANTI COMPETITIVE PRACTICE COMPLAINT – FROZEN FOOD** (Last Minute to which refers 2018/05/09) The paper dated 20th June 2018 containing collated comments from Noticed Parties on the initial draft Investigation Report was discussed. Members approved the updated Investigation Report for issue to Noticed Parties for final comment.	**ZAM**
2018/06/10	**ANTI COMPETITIVE PRACTICE COMPLAINT – BUS SERVICES** The paper dated 21st June 2018 was considered. This detailed the complaints of taxi operators about concerns of anti-competitive practices relating to two applications for new bus services made to the Road Transport Licensing Committee by Bus Vannin. **(a) Northern Dial-a-Ride Service** The competition issues surrounding the proposed service were discussed at length. It was noted that the approval granted by the RTLC was for a limited period to enable a trial service. It was concluded that an investigation at this stage (an ex-ante investigation) would be premature and would not represent the effective use of resources. Once the trial had been completed, should Bus Vannin wish to continue with the service, and should the RTLC grant the necessary approval to continue, then the OFT would consider, on	

	its merits, any request for an investigation under section 9 (an ex-post investigation). Any request for an investigation at that stage would need to be supported by prima facie evidence that the new service had had a significant effect in unfairly distorting competition in transport services within the geographic area covered by the approval granted by the RTLC. **(b) All-Island Ports Service** It was noted that the RTLC had not yet communicated its decision in relation to this application to the parties; and such decision was in any case appealable. Until such time as the application had been approved and become final, any consideration of the matter would be premature. Complainants were to be advised of the decisions in writing.	- - **MJB**
2018/06/11	**COMPETITION AND MARKETS UPDATE** There were no other significant current issues to report. Mrs Bridson left the meeting at 3.05 pm.	- -
2018/06/19	**This item was taken out of agenda order.** **OFT SECTION PRESENTATIONS** Brief presentations from OFT sections were provided by staff, describing their roles and remits as follows: A. <u>COMPETITION AND MARKETS</u> Economist Competition & Markets Competition & Markets Executive B. <u>CONSUMER ADVICE & DEBT</u> Consumer Advisor Consumer Advisor C. <u>TRADING STANDARDS</u> Trading Standards Officer Enforcement Officer Technical Assistant Assistant Trading Standards Officer Financial Services staff were to provide a presentation at the September 2018 Board meeting. Mrs Lord-Brennan left the meeting at 3.50 pm	- -

2018/06/12	**STAFFING** Due to the retirement of one of the Consumer Advisors, a replacement had been recruited who was to start work later in July to ensure a period of training and handover. The Economist Competition & Markets was to give part of his time to supporting the DEFA BREXIT Policy Manager.	-
2018/06/13	**RISK REGISTER** The paper dated 21st June 2018 consisting an updated OFT risk register for June 2018 was reviewed and noted.	-
2018/06/14	**PROGRAMME FOR GOVERNMENT** <u>ECONOMIC REGULATION OF STRATEGIC MONOPOLIES</u> The matter was ongoing and with the Cabinet Office. <u>REGULATORY FRAMEWORK REVIEW</u> There were no major implications for the OFT at present.	-
2018/06/15	**BREXIT** The Director explained that the Consumer Protection from Unfair Trading Regulations 2008 ('the 2008 Regulations') had implemented a European Directive, namely the Unfair Commercial Practices Directive, into UK law and the introduction of provisions analogous to the 2008 Regulations remained a priority as per the OFT's current plan. There were two possible ways in which this could be achieved, one involving the use of implementation powers within the European Communities (Isle of Man) Act 1973 and the other implementation powers within the Consumer Protection Act 1991. Initial advice from the Attorney General's Chambers appeared to favour the former, even though it might involve more work. Notwithstanding existing work streams, e.g. the Competition Bill and the Estate Agents (Amendment) Bill, this needed to be progressed without undue delay.	**JRP**
2018/06/16	**PARLIAMENTARY QUESTIONS** (none)	-

2018/06/17	**ENFORCEMENT UPDATE** The Chief Inspector of Trading Standards gave an oral update including beer measures and TT paddock safety.	-
2018/06/18	**CURRENT AFFAIRS & MEDIA UPDATE** The paper dated 22nd June 2018 was noted.	-
2018/06/20	**ANY OTHER BUSINESS** Dr Maska advised that he was unfortunately unable to attend the July 2018 Board meeting, due to a prior engagement.	-
2018/06/21	The meeting closed at 4.00 pm. Signed _____ Dated 26/07/18 Chairman	-