MINUTES OF A MEETING OF THE BOARD OF THE ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 16TH MAY 2019 AT 9.55 AM		
	TO PUBLISH	**ACTION**
PRESENT	Mr M J Perkins MHK, Chairman Mrs K A Lord-Brennan MLC, Vice-Chairman Mrs C F S Convery, Member Mrs J Bridson, Member (for items to and including 2019/06/15) Dr M Maska, Member	-
SUPPORTED BY	Mr M J Ball, Director OFT Mr I Mansell, Director of Regulation Mr J R Peet, Head of OFT Mr N R Taylor, Secretary to the Board Mrs P A Wood, Ombudsman Services Manager (for items 2019/06/12 to 2019/06/14 only)	-
	Due to technical difficulties with the Boardpad system, not all Members had been able to review all Board papers prior to the meeting. The start of the meeting was slightly delayed to facilitate re-loading papers to Boardpad and the backup of viewing papers on the projector. The Chairman welcomed Mr Mansell to his first Board meeting in his position as Director of Regulation, including the role of Director of OFT and congratulated Mr Peet on his appointment as Head of OFT, which continued to include his role as Chief Inspector.	- -
2019/06/01	**MINUTES OF PREVIOUS MEETING HELD ON 28TH MARCH 2019** The Minutes of the meeting of 28th March 2019 were agreed and were signed by the Chairman as a true and accurate record of proceedings.	-
2019/06/02	**MATTERS ARISING** The 'Board Action Update and Agenda Planner' dated 10th May 2019 was noted.	-
2019/06/03	**MANAGEMENT ROLES AND DELEGATIONS** (Last Minute to which Refers 2019/05/04) The paper dated 10th May 2019 was discussed.	

	As agreed between meetings by email, Members re-affirmed that they were happy with the staff appointments relevant to the roles of Director and Chief Inspector as per the requirement to consult described in the Service Level Agreement with DEFA. Members approved the Chairman and named Officers to execute the new/updated delegations, as were appended. Mrs Lord Brennan had not had the opportunity to review these documents.	**NRT**
2019/06/04	**ESTATE AGENTS AMENDMENT BILL** (Last Minute to which refers 2019/05/05) The draft memorandum to Minister Boot was considered. Mrs Lord-Brennan advised that she had spoken to Minister Boot who had asked that the memorandum include a very short synopsis of what actions were needed and why, together with brief outcome of the consultation. It was still hoped that if progress could be made, the available legislative 'window' could be taken advantage of.	**JRP**
2019/06/05	**COMPETITION BILL 2018** (Last Minute to which refers 2019/05/06) The Director advised that, following a peer-review exercise within Chambers legislative drafting section, various minor amendments and queries had been raised, which had resulted in a further draft of the Bill being produced. This was hoped to be considered by the Council of Ministers on 30th May 2019. The final draft of the Bill was to be circulated to the Board for signoff prior to it being submitted for the First Reading in the House of Keys.	**JRP**
2019/06/06	**MILK PRICES ORDER - 8 (2) EXEMPTION OF PRACTICES UNDER FAIR TRADING ACT 1996** Mr Andrew Lees, DEFA Director of Agriculture and Lands attended at 10.20 am. The paper dated 10th May 2019 was considered. With minor amendment, the draft submission to DEFA making comment on the proposed Order was therefore agreed by Members. Mr Lees left the meeting at 11.00 am.	**MJB/NRT**
2019/06/07	**SEA SERVICES AGREEMENT - 8 (2) EXEMPTION OF PRACTICES UNDER FAIR TRADING ACT 1996** The submission dated 15th April 2019 made to the Department of Infrastructure as response to its consultation on the proposed exemption under Section 8(2) of the Fair Trading Act for elements of the new Sea Services Agreement, as had been agreed by Members by email between meetings, was noted and confirmed.	**-**

2019/06/08	**GAS REGULATORY REVIEW COMMITTEE** (Last Minute to which Refers 2019/05/07) The email from Minister Thomas, including copy of a letter to Manx Gas, as an update on the progress of the Committee, was noted.	**-**
2019/06/09	**MANX GAS QUARTERLY REGULATORY REVIEW** The paper dated 10th May 2019 was considered. Whilst very early in the year, there was no reason to believe that Manx Gas would not be broadly compliant with the terms of the Regulatory Agreement. Detailed analysis of the 2018 year-end position was yet to be confirmed as audited accounts had not yet been received.	**-**
2019/06/10	**TELECOMMUNICATIONS WHOLESALE AND RETAIL FIXED MARKET REVIEW 2019** The paper dated 15th May 2019 was discussed. As not all Members had considered the consultation in detail due to technical issues, and due to the impending closing date for responses, Members agreed that any response should be made as officer-only comments.	**JRP/ZAM**
2019/06/11	**COMPETITION AND MARKETS UPDATE** There were no other significant issues to report.	**-**
2019/06/12	**REVALIDATION OF MEMBERSHIP OF THE OMBUDSMAN ASSOCIATION** Mrs Wood joined the meeting at 11.00 am. The paper dated 7th May 2019 was considered. The paper discussed issues raised by the Ombudsman Association in regard to areas where membership criteria were apparently not met by the Isle of Man FSOS. A range of options was considered. It was agreed that the Ombudsman Services Manager and the Head of OFT would seek a meeting with the Chair/Vice Chair of the OA whilst at the Association's conference the following week, to assess whether the changes described in option 2(b) were acceptable to the Association and to report findings to the next meeting of the Board, with a view to providing a formal proposal to the Association. It was also agreed to contact the External Relations Team at the Cabinet Office to discuss the matter in a wider context.	**PAW/JRP** **JRP**

2019/06/13	**FINANCIAL SERVICES DISPUTES (DEFINITION) ORDER 2019** The paper dated 7th May 2019 covering the Financial Services Disputes (Definition) Order 2019 was considered. The Order consolidated previous Orders and allowed the FSOS to continue to cover the established list of financial services. Members agreed to the making of the Order.	**PAW**
2019/06/14	**FSOS STATISTICS** The paper covering FSOS case statistics for the quarter to 31st March 2019 was noted. Mrs Wood left the meeting at 11.50 am.	**-**
2019/06/15	**DEBT STATISTICS** The paper covering Debt Counselling statistics for the quarter to 31st March 2019 was noted. Mrs Bridson left the meeting at 12.25 pm.	**-**
2019/06/16	**ANNUAL REPORT** The draft Annual Report was discussed and agreed for publishing. The Chairman asked that staff be thanked for their efforts over the year, particularly in maintaining services when experienced staff had been lost from the team.	**NRT**
2019/06/17	**FINANCIAL SUMMARY TO YEAR END 2018/2019** The paper dated 10th May 2019 was noted. The financial year-end position to 31st March 2019 had been slightly under budget.	**-**
2019/06/18	**PROGRAMME FOR GOVERNMENT** <u>ECONOMIC REGULATION</u> The matter was with the Cabinet Office. <u>REGULATORY FRAMEWORK</u> There was no update of progress with the Chief Officer Group.	**-**

2019/06/19	**BREXIT** The Director advised that functional equivalence would be largely provided by the Consumer Protection from Unfair Trading Regulations and the Competition Bill. The former were planned to be considered at July 2019 Tynwald.	-
2019/06/20	**PARLIAMENTARY QUESTIONS** None	-
2019/06/21	**ENFORCEMENT UPDATE** The Head of OFT gave an update including: • Preparations for TT week. • Procedures for monitoring underage sales. • Complaint regarding a locally registered business trading online. • Confiscation of counterfeit goods in conjunction with Customs and Excise staff at a car boot sale.	-
2019/06/22	**CURRENT AFFAIRS & MEDIA UPDATE** The update paper dated 10th May 2019 was noted.	-
2019/06/23	**ANY OTHER URGENT BUSINESS** The Chairman and Members expressed their sincere thanks to Mr Ball for his support and guidance to the Board and to the wider OFT and wished him all the very best for his retirement following over 43 years' service to Isle of Man Government. He was due to retire the following week. Dr Maska advised that he would be unable to attend the August 2019 meeting. It was agreed to move the September meeting of the Board to Thursday 3rd October 2019.	- - **NRT**
2019/06/24	The meeting closed at 12.50 pm . Signed _____K A Lord-Brennan MLC_____ Dated _____27th June 2019_____ Vice Chair	-