

ISLE OF MAN OFFICE OF FAIR TRADING



Isle of Man Office of Fair Trading

BUSINESS PLAN

2023-2024



**Isle of Man
Government**

Reiltys Ellan Vannin

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**Office of Fair Trading
The Slieau Whallian
Foxdale Road
St Johns
Isle of Man
IM4 3AS
Tel: (01624) 686500
Email: iomfairtrading@gov.im
Website: www.gov.im/oft**

FOREWORD BY THE CHAIRMAN



Working for the community of our Island is at the centre of everything we do. We achieve a lot with fairly limited resources. Whilst sometimes restricted in what we can do by legislation and a small team, we are proud of what we achieve through hard work and through 'living' our core values of openness, integrity and accountability.

Succession planning, updating legislation and demonstrating the independence of the OFT are major issues for the staff team and the Board to address during the forthcoming year.

Day to day, we will ensure that we maintain our frontline services to protect consumers, to facilitate businesses that wish to trade fairly, and to ensure that markets function in the long-term interests of consumers and the economy as a whole.

Looking ahead, our efforts will focus on replacing at least two very experienced senior officers who are due to retire during the year, reviewing the legislation for which the OFT has responsibility, progressing a range of legislation, both primary and secondary, and taking steps to ensure that we can demonstrate and promote the autonomy of the OFT as an independent Government agency.

**John Wannenburg MHK
Chairman**

OUR ISLAND PLAN

Within 'Our Island Plan', a document which has grown and developed since its inception in October 2021, the overarching vision for Government is to build a secure, vibrant and sustainable future for our Island nation.

Core Objectives:

SECURE - *We have an Island where everyone feels safe, our economy is secure, our health and education systems support everyone, and we have housing, food, energy, and transport security.*

What the OFT does:

- **We protect consumers from unfair trading practices through advice, education and enforcement.**
- **We provide an effective and appropriate legislative and regulatory framework for consumer protection.**
- **We promote equality and fairness in accessing all goods and services.**

VIBRANT - *Our Island is vibrant, diverse and welcoming, providing excellent educational, recreational and economic opportunities for all, and our businesses are able to grow with confidence, accessing the skills and people required now and into the future.*

What the OFT does:

- **We facilitate businesses that wish to trade fairly.**

SUSTAINABLE - *We look after and nurture our Island and our resources, driving forward our local agenda towards a fair, inclusive and sustainable society and environment.*

What the OFT does:

- **We help to ensure that markets function in the long-term interests of consumers and the economy as a whole.**
- **We work to ensure value for money in service delivery by providing the right services in the right way.**

WHO WE ARE?

The Isle of Man Office of Fair Trading is a Statutory Board for the purposes of the Statutory Boards Act 1987.

Section 57 of the Consumer Protection Act 1991 states that the function of OFT is to protect, inform, advise, support and represent generally the interests of consumers as such, and to provide information and advice to persons on legislation for which it is responsible.

Policy is agreed by a Board which is constituted under the Board of Consumer Affairs Act 1981 which consists of:-

- A chairman and a vice-chairman, who shall be members of Tynwald; and
- No more than 3 other persons, each capable of representing consumers, who shall not be members of Tynwald.

Members of the Board are appointed by the Council of Ministers, subject to the approval of Tynwald.

The current Members of the Board are:

Mr J C Wannenburgh MHK

Chairman

Mr S G Peters MHK

Vice Chairman

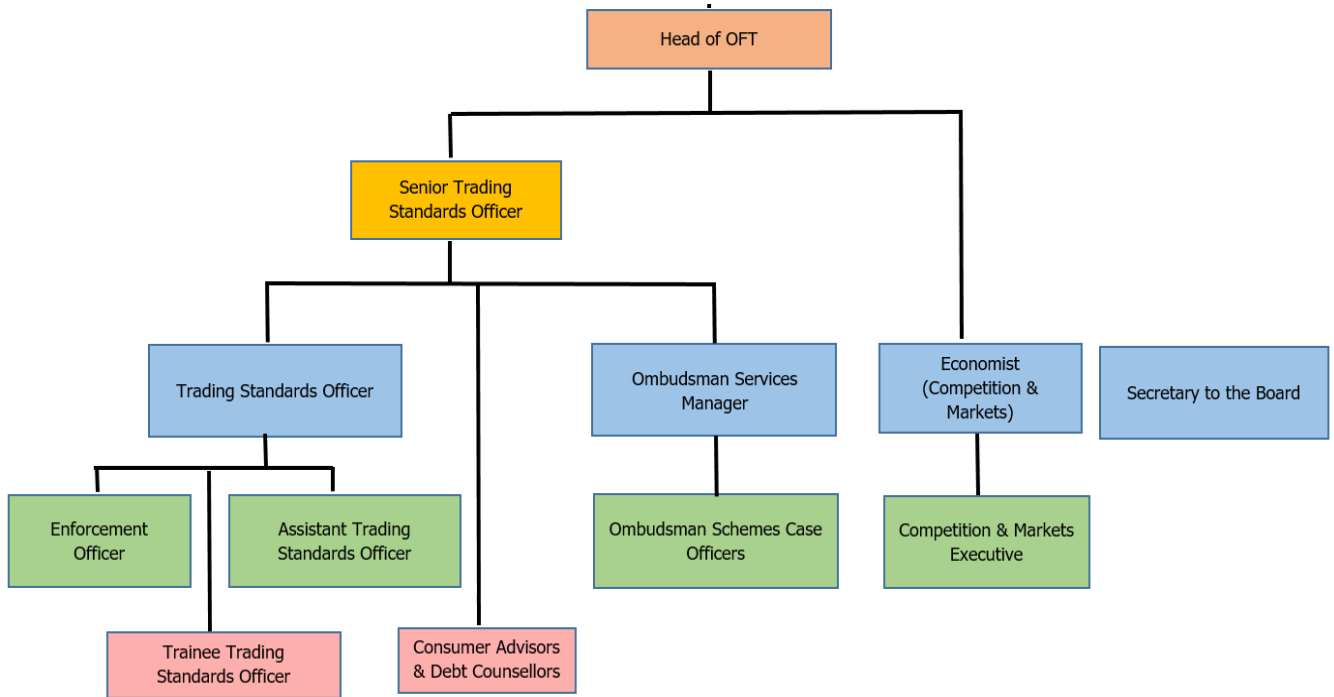
Mr B Murphy

Mr M Bathgate

Mr L Wong

STAFFING

The small staff team dedicated purely to OFT work consists of 15 posts amounting to 13 full time equivalent. This is made of 7 staff working full-time, 6 working part-time and 2 full-time vacancies. Vacancies and impending retirements will be addressed through the listed action describing our 'staffing and succession strategy'. The OFT also currently receives certain admin support, including secretariat, from DEFA. This is being reviewed as part of the action 'OFT independence'. The team is currently organised as shown below.



BUDGET

The OFT budget for 2023/24 is as follows:

Gross Expenditure	£851,450
Budgeted Income	£45,591
Net Expenditure	£805,859

The bulk of the OFT budget is made up of staff costs. The balance of budget covers the general running of the office and its services. Our income is mainly derived from fees from a range of licensing regimes including:

- Non-Resident Trader Licences
- Moneylenders Registration
- Architects Registration
- Estate Agents Registration
- Chapman Licence
- Dangerous Goods Licensing
- Video Licences
- Trading standards statutory test fees and calibrations.

OUR COMMITMENTS AND TARGETS FOR COMPLETION WITHIN THE YEAR

CORPORATE GOVERNANCE AND FINANCIAL MANAGEMENT

Continue to achieve the agreed gross and net budget for each financial year.

Continue to ensure that appropriate systems are in place to manage risk within the OFT. Risk Register to be reviewed regularly and submitted for Board scrutiny quarterly.

Undertake the specified statutory duties for public bodies under the Climate Change Act 2021

Engage with DEFA to review the relationship described within the OFT/DEFA Service Level Agreement and implement any changes to further demonstrate the independence of the OFT.

Develop and agree a strategy, including succession planning, which will achieve a staffing structure suitable to deliver the activities of the OFT, subject to financial constraints.

Review the OFT's public registers with a view to moving them online.

Review and, if necessary, amend the content of the OFT's website.

TRADING STANDARDS

Continue to monitor compliance with, and, if necessary, take proportionate enforcement action under trading standards legislation, including the effective administration of a number of licensing and registration regimes.

Continue to provide specialist advice on trading standards matters.

Continue to actively target those who knowingly trade illegally or unfairly.

Continue to maintain the Manx Standards of weights and measures.

Conduct a risk assessment of the Island's businesses, with visits to be made to reinforce compliance at 100% of those identified as being 'high risk'.

Undertake at least three projects to reinforce compliance with existing provisions and/or identify gaps in trading standards law.

LEGISLATION/BREXIT

Continue to monitor legislative developments in other jurisdictions to assess the need for change to Manx legislation.

Progress the Manx equivalent of the UK's General Product Safety Regulations 2005.

Progress the requisite secondary legislation under the Competition Act 2021.

Progress the Estate Agents (Amendment) Bill.

Progress the Business Protection from Misleading Marketing Regulations.

Progress a review of the legislation for which the OFT has responsibility, in particular the consumer safety and weights & measures provisions, to ensure that it is fit for purpose and proportionate.

Progress a review of the Manx consumer rights legislation to ensure that it is fit for purpose and proportionate.

CONSUMER ADVICE & DEBT COUNSELLING

Continue to provide appropriate advice and support to consumers experiencing problems with purchases of goods or services.

Continue to provide intelligence to enable trading standards to target non-compliance with trading standards legislation.

Continue to provide a confidential debt counselling service.

FINANCIAL SERVICES OMBUDSMAN SCHEME

Continue to provide a free alternative dispute resolution service for consumers with complaints about defined financial services provided in or from the Island.

Continue to promote good complaint handling by the Island's finance industry so that its reputation is bolstered in the market place.

EQUALITY ACT 2017

Continue to assist individuals in resolving complaints concerning alleged contraventions of the Equality Act 2017 through conciliation as an alternative to the Tribunal or Courts.

COMPETITION & MARKETS

Continue to monitor and publish monthly and annually comparative pricing data for domestic heating, road fuels and online travel, identifying anomalies and concerns for further investigation.

Continue to monitor prices, trading practices, consumer issues and consumer concerns. Collect, review and, where appropriate, publish statistical data to inform the Board, the Council of Ministers and the public.

As and when needed, to undertake investigations under the Fair Trading Act 1996 into alleged anti-competitive practices and prices of major public concern, and when it is enacted, under the Competition Act 2021 into alleged anti-competitive practices or any market where it believes that the market is not functioning in the interests of consumers or the economy.

On the requisite secondary legislation under the Competition Act 2021 coming into force, conduct a high-level review of the orders retained under the Fair Trading Act 1991.

SUMMARY OF ACTIVITIES

Trading Standards	<p>Consumer Protection including:</p> <ul style="list-style-type: none"> • Weights and measures (including maintenance of the Manx Standards) • Safety of consumer goods (e.g. toys, electrical goods, furniture and furnishings) • Rogue traders • Age-restricted sales • Timeshare • Cinematograph exhibitions • Shop opening hours • Price marking • Intellectual property • Tobacco advertising • Trade Descriptions • Auctions • Unsolicited goods & services • Misleading prices • Misleading advertisements <p>Registration:</p> <ul style="list-style-type: none"> • Estate Agents • Architects • Suppliers of video recordings • Moneylenders <p>Licensing:</p> <ul style="list-style-type: none"> • Non-resident traders • Chapmen • Dangerous goods (safe storage of fireworks on retail premises) • Dangerous goods (safe storage of petrol)
Consumer Advice & Debt Counselling	<p>Consumer Advice Debt Counselling Consumer education</p>
Ombudsman (Financial) Services	<p>Financial Services Ombudsman Scheme:</p> <ul style="list-style-type: none"> • Mediation of cases • Adjudication of cases by Adjudicators (independent of the Office) <p>Assist individuals in resolving complaints concerning alleged contraventions of the Equality Act 2017 through conciliation</p>
Competition & Markets	<p>Investigations under the Fair Trading Act 1996 or Competition Act 2021 into alleged anti-competitive practices and pricing Monitor prices, trading practices, consumer issues and consumer concerns</p>
Board & Office Support Services	<p>Services to the Board Corporate governance Financial management Business planning Administration Legislation</p>

