

**MINUTES OF A MEETING OF THE BOARD OF THE
ISLE OF MAN OFFICE OF FAIR TRADING HELD ON 25TH NOVEMBER 2022 AT 9.30 AM
IN THE BOARDROOM, THIE SLIEAU WHALLIAN, ST JOHNS**

	TO PUBLISH	ACTION
PRESENT	Mr J C Wannenburg MHK, Chairman Mr S G Peters, MHK, Vice-Chairman Dr M Maska, Member Mr M J Bathgate, Member Mr L Wong, Member	-
SUPPORTED BY	Mr J R Peet, Head of OFT Mr D Oldfield, Senior Trading Standards Officer (for item 11 only) Mr N R Taylor, Secretary to the Board	-
APOLOGIES	Mr I Mansell, Director of OFT	
2022/11/01	<p style="text-align: center;">CONFLICTS OF INTERESTS</p> <p>Members and officers considered agenda items in which they had interests or may have been conflicted. None were identified.</p>	-
2022/11/02	<p style="text-align: center;">MINUTES OF PREVIOUS MEETING HELD ON 28TH OCTOBER 2022</p> <p>The Minutes of the meeting of 28th October 2022 were reviewed, agreed, and signed as a true record of proceedings.</p>	-
2022/11/03	<p style="text-align: center;">MATTERS ARISING</p> <p>The Board Actions Update and Agenda Planner dated 18th November 2022 was noted.</p> <p><u>GUIDANCE FOR ADVERTISING OF BROADBAND SPEEDS AND PRICING – 2018/11/15</u></p> <p>The document was currently being updated in conjunction with CURA.</p> <p>It was noted that Mr Crookall MHK was to meet with an aggrieved consumer with whom the Head of OFT had been involved.</p> <p>The Head of OFT also apprised Members of a complaint from a broadband provider, in regard to advertising of broadband speeds. As regulator, CURA was taking the lead in this matter.</p>	-

	<p><u>DOMESTIC CUSTOMER PREPAYMENTS – MONEY HELD BY MANX GAS AND MUA – 2022/08/03</u></p> <p>A paper was to be prepared for January 2023.</p> <p><u>OFFICER MEETING WITH CURA AND IOM ENERGY</u></p> <p>The OFT’s fielding of complaints in regard to IOM Energy (formerly Manx Gas) billing errors was ongoing. This was to be reviewed the following week to see if further escalation was required. Members were very concerned with the ongoing situation.</p> <p>An OFT media release was to be considered. It was understood that IOM Energy was to also issue a media release.</p>	<p>JRP</p> <p>JRP</p>
2022/11/04	<p>STAFFING AND SUCCESSION PLANNING</p> <p>The new Enforcement Officer was due to start work on 5th December 2022.</p> <p>DEFA financial approval had been given to recruit an Assistant Trading Standards Officer. The job description was to be reviewed to make best use of this resource within the OFT team.</p>	-
2022/11/05	<p>REGULATORY REVIEW AND OFT/DEFA SERVICE LEVEL AGREEMENT AND DELEGATIONS</p> <p>The paper dated 15th November 2022 covering a draft response to DEFA on the Regulatory Review Report was considered.</p> <p>Some minor amendments were agreed, including moving the “strategic aims” paragraph to the top and clearly acknowledging the OFT expectation to be involved in future development of proposals. The response was to be submitted.</p>	NRT
2022/11/06	<p>INCOME BUDGET</p> <p>The paper dated 15th November 2022 detailing a submission to DEFA to reduce budgeted income figures for 23/24 was discussed and supported.</p> <p>There was reference to a recent order for a bulk meter to be used for on-farm milk tank calibration.</p>	-
2022/11/07	<p>INTERNET SOCIAL TARIFF ENGAGEMENT</p> <p>The submission as agreed by email prior to the meeting was noted.</p>	-

<p>2022/11/08</p>	<p>CONSULTATION ON MODERNISATION OF INSOLVENCY LAW</p> <p>The paper dated 18th November 2022 discussing the Treasury consultation on insolvency law was considered. Discussion focussed on options to effect either a Debt Relief Order or a Debt Respite Scheme. Members agreed that a Debt Respite Scheme would be best suited to assist those in difficult situations. The Head of OFT was to draft a letter for agreement by email. Comments were not to be made on other questions within the consultation as the OFT did not have a view on those matters.</p>	<p>JRP</p>
<p>2022/11/09</p>	<p>KEY PERFORMANCE INDICATORS</p> <p>The paper dated 21st November 2022 providing update on progress with Business Plan targets was discussed. There were particular Challenges around progressing required legislative changes.</p>	<p>-</p>
<p>2022/11/10</p>	<p>FEES ORDER – NON RESIDENT TRADERS</p> <p>The paper dated 18th November 2022 was noted. This referred to a query around vires to effect discounted licence rates. It was agreed that the proposed regulations would not be progressed at present, but that solutions to resolve the matter would be actively explored.</p>	<p>JRP</p>
<p>2022/11/11</p>	<p>ESTATE AGENTS</p> <p>The Senior Trading Standards Officer joined the meeting for this item.</p> <p>The paper dated 23rd November 2022 was considered.</p> <p>The problems in administering the existing legislation were acknowledged in terms of qualifications, security bond, and, outdated Estate Agents Rules. The need for these issues to be addressed was supported.</p> <p>The Regulation of Jersey Estate Agents 2022 report was discussed, including its reference to a Redress Scheme.</p> <p>The suite of legislation now in place on the Isle of Man affording protection to consumers was noted.</p> <p>The Senior TSO was to prepare proposals on a revised lighter-touch regime of regulation for Board consideration at the January 2023 meeting.</p> <p>The existing 1975 Act required an Estate Agents Tribunal. The Chairman’s appointment was without term, but the two OFT consumer nominees’ terms were to expire in December 2022. The Board agreed that the appointments should be extended for a further term, in agreement with the holders, as an interim measure, on the basis that it was anticipated that the primary legislation would be revised in the relatively near future.</p>	<p>DO</p> <p>NRT</p>

<p>2022/11/12</p>	<p>ANY OTHER URGENT BUSINESS</p> <p><u>CONTROL OF SALE OF VAPING EQUIPMENT</u></p> <p>The Head of OFT had met with representatives of Manx Care, the Department of Health & Social Care and the police in regard to proposals to regulate the sale of vaping equipment.</p> <p>In conjunction with the police, OFT officers had visited retail premises and issued signs to display, asserting retailer policy to not sell vaping products to those under the age of 18.</p> <p><u>CONSTRUCTION INDUSTRY CONSUMER PROTECTION</u></p> <p>The two recent cases in which OFT officers had been involved were discussed.</p> <p>The Head of OFT was still to prepare a paper to suggest options for Government action.</p>	
<p>2022/11/13</p>	<p>The meeting closed at 11:50 am.</p> <p>Signed _____ J C Wannenburg MHK _____</p> <p>Dated _____ 27th January 2023 _____</p> <p>Chairman</p>	