

Revenue Scotland Special Board Meeting – 24 October 2017

MINUTE

1. A special meeting of the Revenue Scotland Board was convened by teleconference on 24 October 2017 at 17:30 in line with paragraph 6 of the Revenue Scotland Standing Orders.

Present:

Keith Nicholson
Jane Ryder OBE
John Whiting CBE

Apologies:

Ian Tait
Lynn Bradley

Attended:

Elaine Lorimer, Chief Executive Officer
Stephen Crilly, Solicitor, Head of Legal Services
Chris Myerscough, Head of Tax
Andrew Fleming, Head of Strategy and Corporate Functions
Louise Carlin, Solicitor
Kirsty Ryan, Solicitor
Anne Marie Hoey, Senior Tax Specialist (by teleconference)

2. Further to the paper (RS(S03)17) sent to Board Members on 23 October 2017 the Board discussed the content of that paper which concerned the issuing of a penalty notice to a landfill operator (“LFO”) for inaccuracies in three of its quarterly Scottish landfill tax returns in the period 2015/16. The Board noted that the principal issue for consideration was whether the inaccuracies in the tax returns made by the LFO were careless or deliberate.

3. It was noted that the recommendation by the designated case officer was that there was sufficient evidence to justify the issuing of a penalty for deliberate inaccuracy and that in the light of all the material factors including the engagement by the taxpayer and their agent a reduction as proposed.

4. A decision by the Board was sought as this matter falls under Section 4 of the Scheme of Delegations relating to tax case management as it raised novel and contentious issues, which were potentially amplified given that the specific queries into the accuracy of these entries in the tax returns of the LFO form part of a statutory enquiry.

5. The Board considered the paper carefully, and sought further information about the conduct of the case from the Head of Tax.

6. Having reviewed the paper and having been informed by the discussion at the meeting, the Board endorsed the recommendations in the paper that

a) the inaccuracies in LFO's tax returns which resulted in a significant understatement of its liability to landfill tax was deliberate as it knew that the entries were inaccurate; and

b) Having considered all material factors including the engagement by the taxpayer and their agent in this matter it was agreed that a reduction, as proposed, should be applied to the penalty.

Decision [REDACTED]

**Revenue Scotland
24 October 2017**