

Extraordinary Meeting of the Revenue Scotland Board

MINUTE

15:30-17:00, 11 July 2019, Room GH South, Victoria Quay, Edinburgh

Present:

Dr Keith Nicholson (by phone)
John Whiting CBE (by phone)
Ian Tait (by phone)

In attendance:

Elaine Lorimer, Chief Executive, Revenue Scotland
Andrew Fleming, Head of Strategy and Corporate Functions, Revenue Scotland
Stephen Crilly, Head of Legal, Revenue Scotland
Gary Sharp, Head of Governance, Revenue Scotland (secretariat)
Louise Carlin, Solicitor, Revenue Scotland (for Items 1 only)
Neil Ferguson, Strategy and Change Team Leader, Revenue Scotland (for Items 1 only)
Paul Gilhooley, Head of LBTT, Revenue Scotland (for Items 1 only)
Alan Martin, LEAP Programme Manager, Revenue Scotland (for Item 2 only)
Anthony Slack, LEAP Project Delivery Lead, Revenue Scotland (for Item 2 only)

Apologies:

Jane Ryder OBE
Lynn Bradley
Mike Paterson, Head of Tax, Revenue Scotland

1. Meeting opening

1.1 The Chair welcomed Board members and officials to the meeting and opened proceedings.

1.2 The Chair, highlighted that this was an extraordinary meeting of the Board and as such, will focus on just two agenda items:

Item 1 – Decisions of the Upper Tier Tribunal (UTT); and
Item 2 – LEAP update.

2. Decision of the Upper Tier Tribunal (UTT) (Paper RS(03/19)01)

2.1 The Chair opened this item by asking whether any additional, related issues exist that have not been covered by the paper presented.

2.2 Members responded by stating that in light of the decision by the UTT, a separate in-depth discussion on the subject of penalties would be helpful.

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Action A007/19: a discussion on penalties to be scheduled at one of the upcoming Board meetings.

2.3 The Chair proceeded to request an overview of the paper be provided with a view to responding to each of the recommendations made.

2.4 Following the overview of the matters outlined in the paper, members of the Board were invited to agree:

- a) That Revenue Scotland does not onward appeal the recent decisions of the Upper Tribunal for Scotland (UTS) to the Court of Session;
- b) That Revenue Scotland should press for urgent legislative change in respect of the requirement to give notice under s161(1)(c) of the Revenue Scotland and Tax Powers Act 2014 in cases in which Revenue Scotland will not know an LBTT return is late until it is received;
- c) That Revenue Scotland should not cancel the LBTT daily penalties issued to date, should not refund the payments of LBTT daily penalties made by taxpayers prior to the UTS decision and should continue to pursue the 110 current cases as debt management issues ; and
- d) That Revenue Scotland should continue with the suspension of LBTT daily penalties meantime while seeking legislative change (subject to review given the timeframes potentially involved).

2.5 The Board approved all recommendations made.

Decision D001/19: It was agreed that RS should proceed as recommended on the basis that additional clarity is provided around the implications associated with Option A at (b), and on (c) that we have appropriate communications in place for stakeholders.

3. LEAP Update

3.1 The Head of Strategy and Corporate Functions provided the Board with a progress update since the last report.

3.2 The Board noted progress on the programme, explored the risks around the “go-live” dates and sought reassurance around delivery.

3.3 The Board scrutinised the overall ‘readiness’ assessment and thanked the team for the helpful update provided.

3.4 The Board were content with the progress on the LEAP project and the state of readiness for switchover.

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End of Meeting

Revenue Scotland
24 July 2019