

## **Record of Decisions**

### **Policy for the Prevention of the Facilitation of Tax Evasion**

#### **Decision Taker**

Cabinet on 24 August 2021.

#### **Decision**

That:

- i. The Prevention of the Facilitation of Tax Evasion Policy, as set out in Appendix 1 to the submitted report be approved;
- ii. the Council's wholly owned companies be required to adopt the same or a similar policy.
- iii. the Monitoring Officer be requested to review the Council's Financial Regulations and Contract Procedures as set out in the Council's Constitution.
- iv. Cabinet notes that during 2021/22 the Council commits to undertake a risk assessment to identify those areas of the Council's activities where risk is considered high and to implement the measures set out in the Policy.

#### **Reason for the Decision**

To mitigate the risk of prosecution for the corporate criminal offences of the facilitation of tax evasion, the Council would need to prove that reasonable prevention procedures are in place. This would enable the Council to raise a defence.

The Policy demonstrates the Council's commitment to adopting a zero tolerance to all forms of tax evasion.

#### **Implementation**

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The Criminal Finances Act 2017 Part 3 created the Corporate Offences of Failure to Prevent Facilitation of Tax Evasion. Under this Act, an offence may be committed by the Council where it fails to prevent an 'associated person' criminally facilitating the evasion of a tax, whether the tax evaded is owed in the UK or in a foreign country.

In response to the requirements of the Act, the Council sought approval of a 'Prevention of the Facilitation of Tax Evasion' Policy.

At the meeting Councillor Cowell proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet, as set out above.

**Alternative Options considered and rejected at the time of the decision**

None.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None.

**Published**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet