

## One minute with...

### Miles Dean

#### Milestone Tax



Miles Dean is the founder of Milestone Tax. He has a varied client base ranging from owner-managed businesses to international investment funds, property developers, film finance funds, supermodels, golfers and racing drivers. Email: miles@milestonetax.com; tel: 020 7534 7181.

#### What's in your in-tray?

The *Anson* case; a Dutch cooperative membership agreement; a very old opinion from counsel on ITA 2007 s 729; a lot of expenses I'm being nagged about; three CVs; and a copy of the *The complete infidel's guide to ISIS*.

#### What caught your eye in the Autumn Statement/draft 2016 Finance Bill?

The new strict liability offence for offshore tax evasion and the naming and shaming of users and 'enablers'. This is an overwhelmingly bad policy move and one that is unnecessarily oppressive and threatening.

The provisions on asset managers' performance-based rewards also caught my attention, especially in light of the culling of the base cost shift and amendments to the remittance basis for carried interest. It does make me laugh when I read in the media that this government is soft on tax avoidance and is in the pocket of the hedge fund industry!

#### What sets the team at Milestone apart from other advisers?

We're relatively young. Well, most of us are! Our sole area of focus is cross-border tax (so BEPS has been central to a lot of our advice this past 12 months and will continue to be so). We strive to make sure our advice is commercially robust and fits with the client's objectives, risk profile and business structure.

I really hate packaged solutions (which of course there is a place for) because generally each client we come across is so totally different from the others. Listening to our clients and understanding what makes them tick is vital to being able to give relevant advice – that and being able to communicate complex tax issues clearly and articulately.

#### What's the big development to watch in 2016?

I think tax risk management (particularly with the advent of BEPS, the CRS and so on) will become of critical importance to groups and also HNWI's.

#### BEPS or state aid rulings – which will have the bigger impact?

I think BEPS will. The state aid rulings are a really interesting (and controversial) development but they are fraught with difficulty, not least the potential backlash from the US and also from the member states which are being challenged by the Commission. BEPS has a wider reach.

All that said, I still maintain that it is the US tax system that has given rise to the type of planning and structures that BEPS has in its sights. The 'check the box' election, coupled with an unsatisfactory CFC regime, has allowed US multinationals to game the system for many years and to implement abusive structures with complicit treaty partners. Unfortunately, there is no desire or political will in the US to amend its legislation, so the rest of the world is forced to accept BEPS.

#### What trends have you noticed in the marketplace?

The marketed tax avoidance industry has really been nobbled. Also, there is a growing use of EU entities following *Fisher*.

#### Looking back on your career to date, what key lesson have you learned?

To listen (especially before speaking); and to read, read and read and keep reading.

#### Aside from your immediate colleagues, whom in tax do you most admire?

Well there are many of course, but Philip Baker QC is someone I've known for many years. I admire his incredible knowledge of tax and treaties and his ability to communicate complex matters and cut to the chase.

#### Finally, you might not know this about me but...

I'm a trustee of a charity for sports tetraplegics called Regain, which is a huge responsibility but also humbling and very rewarding. Feel free to make a donation to a very worthwhile cause – [www.regainsportscharity.com](http://www.regainsportscharity.com). ■

## What's ahead

### January

**19** **Court of Appeal hearing:** *Scotts Atlantic Management Ltd* [2015] UKUT 66 (TCC): hearing for permission to appeal corporation tax decision over EBT payments; *Bristol & West plc* [2014] UKUT 73 (TCC): closure notices and derivative contracts. **UT hearing:** *Marshall & Co* [2014] UKFTT 1119 (TC): costs application regarding earlier VAT decision and whether HMRC had acted unreasonably in the proceedings.

**21** **UT hearing:** *Mrs Shoshana Pine v HMRC* [2014] UKFTT 356 (TC): Appeal over penalty for late return of non-resident taxpayer. **Consultation:** New closing date for comments on the All-Party Parliamentary Group (APPG) on responsible tax call for evidence on the OECD's BEPS process ([www.bit.ly/1SVytdc](http://www.bit.ly/1SVytdc)).

**22** **Draft legislation:** Comments due on SI 2016/Draft, which simplifies the construction industry scheme compliance test ([www.bit.ly/1TOducd](http://www.bit.ly/1TOducd)).

**25** **Regulations:** Enforcement by deduction from accounts prescribe information regulations, SI 2015/1986, come into force and specify the information deposit-takers will have to provide to enable HMRC to determine whether direct recovery of a tax debt from a taxpayer's bank account is appropriate.

**27** **Consultations:** Comments due on *Withdrawal of extra statutory concessions 2015* ([www.bit.ly/1WKwI8i](http://www.bit.ly/1WKwI8i)); and *Cash, tax evasion and the hidden economy: call for evidence* ([www.bit.ly/1Q0FBVY](http://www.bit.ly/1Q0FBVY)).

**Draft legislation:** Comments due on The Investment Allowance and Cluster Area Allowance (Investment Expenditure) Regulations, SI 2016/Draft, which extend the scope of these allowances available to North Sea oil & gas companies to reduce their corporation tax supplementary charge adjusted ring-fence profits ([www.bit.ly/1NwWSls](http://www.bit.ly/1NwWSls)).

**European Commission:** Expected date for announcement of a further package of initiatives to combat corporate tax avoidance within the EU and globally, which will also set out a coordinated EU-wide approach for implementing good tax governance standards internationally.

For a 'what's ahead' which looks further ahead, see [taxjournal.com](http://taxjournal.com) (under the 'trackers' tab).

#### Coming soon in Tax Journal:

- Client connection: an elusive concept clarified.
- The economics of unjust enrichment.