

**Case:** 201103237, North Ayrshire Council  
**Sector:** local government  
**Subject:** council tax (incl community charge)  
**Outcome:** upheld, action taken by body to remedy, no recommendations

### Summary

Mr and Mrs C purchased their council house under the right to buy scheme. At that time, they were aware they had outstanding council tax arrears. They believed that, as part of the sale, their solicitor had paid the arrears. Two years after the sale, they received a letter from the council telling them that the arrears were still outstanding.

They complained that the council had made a procedural error because the finance department had not made the legal services department aware of these arrears and so this was not included in the statement provided to Mr and Mrs C's solicitors at the time of the sale. As part of the local complaints process, we found that the council had already acknowledged and apologised for a procedural error in processing the statement. Therefore, we upheld the complaint.

We gave careful consideration to whether we needed to make any recommendations to the council as a result of upholding the complaint. The council had, however, apologised and had also agreed to delay taking action to collect the outstanding debt. We noted that Mr and Mrs C (or their solicitor, on their behalf) should have taken steps at the time of the sale to ensure that the debt had been paid. We considered that there was nothing more that we could reasonably ask the council to do because, regardless of the error, Mr and Mrs C still owed them the money.