

To: Glasgow City Integration Joint Board

From: Pat Togher, Chief Officer

Date: 17 September 2025

Subject: Decision to cancel GCIJB on 20th August 2025

The undernoted briefing note has been provided by Mairi Millar, Director of Legal and Administration in Glasgow City Council following a request for legal advice in relation to the motion presented at the IJB on 25th June 2025 to request pausing implementation of the cessation of a service provided by Scottish Huntington's Association. On receipt of this legal advice, the decision was taken, in consultation with the IJB Chair, to cancel the extraordinary IJB scheduled for 20th August 2025.

IJB Budget Decisions

The IJB has a statutory duty to set a budget based on the contributions which both the Council and the NHS have provided. Section 13 of the Public Bodies (Joint Working) (Scotland) Act 2014 amended section 106 of the Local Government (Scotland) Act 1973, which had the effect of making the IJB subject to the same obligations as the Council under sections 93 – 105 of the 1973 Act.

Similar to the Council, through its budget setting process, the IJB is under a duty to:

- make arrangements for the proper administration of their financial affairs;
- prepare accounts in accordance with s105 regulations and have them audited for each financial year; and
- make proper arrangements for securing best value under section 1 of the Local Government in Scotland Act 2003.

In addition, section 39 of the 2014 Act requires the IJB to publish an annual financial statement that sets out the amount that it intends to spend in implementation of the strategic plan. That statutory duty was met by the setting of the budget at the meeting of the IJB held in March this year.

As I understand it, a component of that overall budget decision taken in March was the cessation of the Huntington's services. I understand that a statutory direction to give effect to that decision was subsequently issued to the Health Board and that steps have been taken to implement that decision.

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Given that the decision was taken as part of the IJB budget setting process in order to meet its statutory obligation as outlined, it would in my view be incompetent to allow a motion seeking to pause or change that decision, unless there was a clearly set out material change in circumstances, which would then require an additional saving to be made elsewhere. I am not aware of there being such a material change in circumstances and therefore I believe that such a motion is not competent.

In this context of a budget decision, “material change” would need to be something substantial which makes implementation of the decision impossible or materially changes the circumstances under which the decision was taken - for example that it has become unlawful to implement a decision that has been taken - this could be as result of a change in legislation that has occurred that requires a particular service to be delivered or that there has been a successful legal challenge made in the court and a court order has been made in respect of this particular aspect of the budget decision. A material change of circumstances could also arise where an additional source of funding for the specific saving has been provided – for example additional funding from the Government ringfenced for that particular service.

Any consideration of whether something is material would need to be weighed against the ultimate statutory duty on the IJB to set a balanced budget.

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