

## Youth Fund discussion paper

### The problem

The Council has received a small number of grant applications under this fund, from organisations where more than 25% of the members do not live in Radyr or Morganstown.

Under these circumstances, they are unable to be awarded a grant, because one of the criteria in the Youth Fund policy is that at least 75% of the young people involved need to be based in Radyr or Morganstown

This is to ensure that any payments we make under the fund:

- are not ultra vires
- do not give rise to complaints from precept payers in Radyr or Morganstown, who could reasonably expect the money that they pay the Council to be used for the benefit of those who live in Radyr or Morganstown.

However, some members have expressed concern that the policy is too inflexible - and can penalise established and well-respected Radyr and Morganstown based organisations that work with young people who live in the area, but whose membership does not meet the 75% criteria.

### Possible solutions

A range of options are available in order to respond to this concern:

a) *do nothing*: this would help us argue that these payments should be not ultra vires, given that a large majority of the young people involved live in Radyr or Morganstown - and that it would, after all, be almost impossible to award *any* grants if the criteria was set at 100% residence. It would also help ensure that we do not receive complaints from precept payers in Radyr or Morganstown, as described above.

b) *alter the residence criteria*: this could be altered to almost any figure. Members may wish to consider setting the figure at between 51 and 75%, for instance. However, we might need advice with regard to the ultra vires point - and we would need to consider how our precept payers might view the figure we choose. We would probably need to be wary of going below 50%.

c) *focus on the organisation, rather than the young people*: this would enable us to provide grants to organisations based in Radyr or Morganstown, wherever their members came from. This would certainly help remove the focus from the residence issue - but it would not guarantee that some precept payers would not complain about their money being used to benefit the children of people living in other areas. Some payments might also be ultra vires, if too many of the young people involved lived out of area.

### Recommendation

Members may wish to take legal advice from One Voice Wales about the ultra vires risks identified in this paper.

When that advice is received, members can then return to this issue to consider to what extent the Youth Fund policy should be altered, if at all.

However, if members are *not* concerned about the possibility of these payments being ultra vires, option (c) is recommended, in which case the Youth Fund Policy can be altered to remove the 25% requirement and place the focus simply on the organisation or activity being based in Radyr or Morganstown. We could also, if members so wish, explain that the Council can refuse to pay a grant if not enough of the young people involved live in Radyr or Morganstown (without setting a specific limit on this in the policy).

*H O Jones*  
*5 February 2018*