



GLENKENS
& District Trust

Community Council
Guide to Membership

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Glenkens & District Trust Community Council Guide to Membership

1. Background

The purpose of this guide is to ensure that there is a good understanding of the relationship between Community Councils in GDT's area of operation and GDT and that Community Councils have clear information about any processes associated with membership of the Trust.

Glenkens & District Trust (GDT) is a Scottish Charitable Incorporated Organisation established in 2011. We distribute funds, currently derived wholly from local wind farms. Our role is to resource, enable and stimulate community development in the Glenkens and surrounding communities, defined as the Community Council areas of Balmaghie, Balmaclellan, Carsphairn, Corsock & Kirkpatrick Durham, Crossmichael, St. John's Town of Dalry, Dunscore, Glencairn, New Galloway & Kells and Parton.

We currently make grant awards supported by funds from the Blackcraig and Windy Rig wind farms. Based on the current volume of local wind farm planning applications, it is anticipated that further developments may come on stream.

With this in mind, since 2018 GDT has been progressing with a range of activity focused on ensuring that any community benefit funds coming into the area can be maximised for the long-term benefit of the local communities, through good stewardship and positive partnership working. Key within that is the principle of working collectively across all the communities in the area of benefit, in order to provide benefit to all within a stronger and more effective framework.

You can read more about the Trust and its work on our website at www.glenkenstrust.org.uk or follow us on Facebook.

2. How GDT and Community Councils work together

2.1 Overview of collaborative approach

GDT recognises that Community Councils play a key role in local democracy and perform an important function in listening to and representing the views of local communities. In recognition of this role, Community Councils have formed the backbone of GDT's governance since it was formed in 2011 and we strengthened this in 2020 when we revised our governing document.

Community Councils form the Trust's membership and can nominate the majority of GDT's Trustees. This enables a flow of information backwards and forwards from the Trust's meetings to Community Councils and vice versa and enables a positive relationship built on shared aspirations for the communities we serve.

Over the last few years GDT and its Members have worked cooperatively to ensure effective and efficient working arrangements, to present a collective voice to third parties and to support the purposes of GDT as well as the important role played by Community Councils. Our shared objective is to maximise the benefits for the wider community from community benefit monies payable now or in the future.

2.2 Roles in Windfarm Developer Engagement

GDT also recognises that Community Councils have an important role as a statutory consultee in relation to the consents process for windfarm developers; and will often take a role liaising with developers during a windfarm construction process on matters such as turbine transportation, in order to minimise impacts to their communities.

GDT and member Community Councils have agreed a clear division of responsibilities in relation to engagement with windfarm developers in the area. This enables the Community Councils to focus on the planning and construction aspects and creates a clear division between the consent process and the community benefit arrangements, which GDT takes a lead on negotiating and agreeing.

This clarity of roles, mutually agreed, creates a united front to present to developers on the topic of community benefit arrangements. This gives them confidence to work with us and enables us to more effectively influence how they work with our communities. This is evident in the recent formation of a Glenkens developer group which GDT lobbied for, which has been created to share information about developments in the area and to seek to better co-ordinate potential impacts of construction and consultation or engagement events with local communities.

Task	Community Council	Glenkens & District Trust
Provide input and views on proposals, construction methods, access, impact on local community	YES	NO
Provide views on and discuss and agree terms of community benefit arrangements	NO	YES

2.2 Principles Guiding Receipt and Use of Funds

The following principles underpin our approach:

1. Any Community Benefit Monies received in the future, by GDT or by any individual or sub grouping of GDT Members, should be on the basis that the Area of Benefit for these funds will be the Community Council Areas set out in the GDT Constitution, taken as a collective whole.
2. Any Community Benefit Monies will be consolidated into a Glenkens & District Community Fund which will be available to all communities in the GDT area of benefit, providing a single streamlined application and monitoring process.
3. Awards will be made on the merits of the project and in accordance with the priorities set in GDT's Fund Strategy. This Fund Strategy is informed by any current Community Action Plan/s in operation in the area of benefit. The Glenkens & District Community Action Plan brings together shared ambitions across seven of the communities in the area of benefit. In addition, the Dunscore, Glencairn and Carsphairn community planning processes are incorporated into fund strategy.

By demonstrating this area wide approach to wind farm developers, we are increasing our ability to negotiate and agree suitable terms and also evidencing that we can and do work across the wider community and are focused on achieving the best longer-term outcomes for the community. In addition, these principles increase efficiency, reduce costs and simplify the application process for community groups and therefore ultimately make more money available to the community as a whole.

Scottish charity [Foundation Scotland](#) has been appointed to support and advise GDT in its grant making work and in meeting its governance responsibilities. Foundation Scotland is very experienced in this type of community benefit work throughout Scotland.

3. Governance Structure and where Community Councils fit

3.1 Governance Overview

Detailed Information on Glenkens & District Trust can be found on its website at

<https://www.glenkenstrust.org.uk>

Glenkens & District Trust (GDT) is a two-tier Scottish Charitable Incorporated Organisation (SCIO). A Scottish Charitable Incorporated Organisation is a legal structure which has been purpose built for the voluntary sector in Scotland. It provides limited liability and a separate legal identity to organisations that want to become charities but do not want or need the complex structure of company law. A SCIO can only carry out activities to fulfil its charitable purposes.

The current Constitution was approved by Members on 9 December 2020 and can be found on our website [here](#). It's the Constitution that sets out in detail the responsibilities of Members and Trustees and the powers and duties of GDT.

In addition to the requirements of the Constitution there are legal obligations imposed by law and regulation. The Office of the Scottish Charitable Regulator (OSCR) is the body which oversees compliance with these duties and their website has lots of useful information.

This guide is not intended to be a definitive guide to SCIOs, charity law or to the Constitution - GDT Members and Trustees have a duty to ensure they have an appropriate level of familiarity with these.

A two-tier SCIO means that GDT is a membership organisation, and the Trustees have accountability to the wider membership. The two tiers are:

1. Trustees, who are responsible for the general control and management of the SCIO
2. Members (in GDT's case, the relevant Community Councils), who are not involved directly in routine management of the SCIO, but oversee its operations.

3.2 Members

The Trustees are accountable to the Trust's Members.

Under the terms of GDT's governing document, the Members of the Trust are not people, but Community Councils. Each Community Council must appoint a Trustee and also a different person or persons to represent it (the 'Member Representative').

Community Councils in the area of benefit outlined above do not automatically become Members of the Trust; this is a choice made by each Community Council. As noted earlier, Community Councils form the backbone of GDT's governance arrangements and can nominate the majority of GDT's Trustees.

Current Members are the following Community Councils: Balmaclellan, Balmaghie, Corsock & Kirkpatrick Durham, Crossmichael & District, Dalry, Dunscore, Royal Burgh of New Galloway & Kells, and Parton. Carsphairn and Glencairn Community Councils are also eligible to apply to be Members.

3.3 Trustees and their function

To help guide GDT's work and to fulfil the legal requirements, GDT has a board made up of a Trustee appointed by each Member Community Council, and up to five independent trustees.

Trustees must be interested in and have experience which supports GDT's work. From time to time, GDT will also recruit Trustees with certain specialist skills (for example in finance or communications) in order to support its work.

You can read the GDT Trustee pack [here](#). Of particular note is the requirement that Trustees must not benefit from their position and should act only in the interests of GDT and not on behalf of any constituency or interest group. Trustees must take care to manage any conflict between GDT and the Community Council that appoints them and understand that charity law requires them to act in the interests of GDT at all times when carrying out their trustee duties. It is important to understand that, despite the nomination process, Trustees are not there to represent the interests of their Community Council.

The Trustees meet every other month. We aim to be transparent in our operations and communications. The **Community Council appointed Trustees are expected to report back to their CCs regularly to explain what is happening and why**, and to take comments or queries back to GDT as appropriate. To support them in this, a report from our meeting is available on our website within one week of the meeting taking place. Your appointed Trustee will also be able to provide more information at your Community Council Meeting.

3.4 Member Representatives and their function

Member Community Councils are also required under the Constitution to appoint Representative/s to carry out actions required by Members (the 'Member Representative').

The Member Representative/s attend and vote at the Annual General Meeting, where they receive an overview of the work of GDT and can ask questions and receive relevant information. This helps both GDT and the CCs share a full picture of the work, ideas and also to enable Members to assure themselves that the Trustees are carrying out activities appropriately. In a two-tier SCIO it is important that the Member Representative(s) are different from the appointed Trustee to ensure effective governance.

Attendance by the Member Representative(s) counts as attendance by the Member at a general meeting of GDT.

No change to the Constitution can be made without the approval of Members via their Representatives in a General Meeting. For example, the purposes of GDT, area of benefit or Membership or the way Trustees are appointed could not be changed without this.

This table sets out a high-level summary of the above in tabular form:

Task	Trustee	Rep.
Attend regular Trustee meetings and ensure all governance, management and business matters are carried out properly. This includes negotiation of any arrangements with wind farm owners, funding decisions, reporting and control of budget and finances	•	
Agree and publish Annual Report and Accounts.	•	
Report to CCs on activities and build effective communications between GDT and CCs	•	
Attend AGM and General Meeting	•	•
Vote on any changes to Constitution		•
Vote on any changes to Constitution		•
Note receipt of Annual Report		•
Note receipt of Financial Statement		•
Agree appointment of Auditor		•
Ensure effective governance of GDT	•	•

4. How to Appoint Trustees and Member Representatives

4.1 Appointing Community Council Member Representative(s)

As noted above each Member Community Council must appoint a person or persons to represent it.

A number of Community Councils have appointed two representatives to make it easier to ensure someone can be available for GDT general meetings and we would encourage all Member Community Councils to do this. While the Community Council can authorise more than one representative and these individuals can all attend and speak at a general meeting, when it comes to exercising any voting rights, **there is only one vote per Member and the representatives must all vote the same way to have that vote counted.**

A person may continue to represent the Community Council until GDT receives written notice to the contrary from the Community Council. **It is up to the Community Council to notify GDT of any changes in representation.** GDT will maintain a Register of Members which will also contain the name of any Representative(s).

We have included template text below which Community Councils could use in order to inform GDT in writing of their choice of Representative(s), as required by the Constitution. This can be copied and pasted into an email. If this notification is received when the Community Council makes its appointment, then no further evidence will be required for any General Meeting.

To info@glenkenstrust.org.uk

On behalf of [INSERT NAME] Community Council, I confirm that the following Resolution was passed by the Community Council on [INSERT DATE]

The Community Council RESOLVED to appoint [INSERT NAME] as its Representative(s) on Glenkens & District Trust with effect from the date given above.

[INSERT NAME]

Secretary

[INSERT NAME] Community Council

4.2 Appointing a GDT Trustee

Each Member Community Council can nominate one Trustee and there can be up to five Independent Trustees who are appointed by the Trustees. The legal obligations on the Trustees are the same irrespective of the manner of appointment. In carrying out the role of Trustee the individual must at all times act in the best interests of GDT.

The person nominated must be either a member or associate member of the Community Council and the Community Council should take into account the role profile set out [here](#). This has been prepared to ensure that any person taking on the role of Trustee is aware of the requirements of the role and able to fulfil the role.

Trustees can serve for up to eight years. Trustees must then stand down for a period of at least two years.

If the individual ceases to be a member or associate member of the Community Council, then their appointment as a Trustee terminates and steps will need to be taken by the Community Council to appoint a new Trustee as soon as possible.

We have included template text below which can be copied and pasted into an email to notify GDT of a Trustee appointment.

To info@glenkenstrust.org.uk

On behalf of [INSERT NAME] Community Council, I confirm that the following Resolution was passed by the Community Council on [INSERT DATE]

The Community Council RESOLVED to appoint [INSERT NAME] who is a Member or Associate Member of [INSERT NAME] Community Council as its Trustee on Glenkens & District Trust with effect from the date given above.

[INSERT NAME]

Secretary

[INSERT NAME] Community Council

4.3 Procedure following Community Council Elections

Community Council Elections are held every five years in October on a date specified by Dumfries and Galloway Council. The next scheduled Ordinary Election date is 3 October 2024.

As these elections create a break in membership of a Community Council it is necessary for a Community Council to re-appoint its Trustee on GDT at the first meeting of the new Community Council following the election. **Until this appointment takes place there will be no appointed Trustee so we would encourage the member Community Councils to hold their first meeting as soon as possible.** The Chair of GDT will endeavour to attend this first meeting to answer any questions on the relationship etc.

GDT has contacted the Dumfries and Galloway Ward Officer to brief them on requirements as they will be supporting the CCs in their first meeting after the election and GDT can provide more guidance in due course if required.

It is also suggested that Community Councillors also review who is the Community Council Member Representative/s and also re-appoint them at the same meeting.

Please contact info@glenkenstrust.org.uk if you have any questions or concerns.