

FORTH REPLACEMENT CROSSING
COMMUNITY FORUMS
TERMS OF REFERENCE

1 Context

- 1.1 The formation of the FRC Community Forums is a joint initiative by Transport Scotland and local community councils to help ensure effective community engagement and consultation is undertaken during the construction of the project and that commitments relating to community engagement in Section 2 of the FRC project's Code of Construction Practice are delivered.
- 1.2 These Terms of Reference have been prepared by Transport Scotland and the community councils specifically referenced in Section 2.2.4 of the Code of Construction Practice.
- 1.3 These Terms of Reference should be formally agreed and adopted at the first meeting of each FRC Community Forum. Subsequent amendments to the Terms of Reference can be put forward for discussion and adopted on resolution of the Forum.
- 1.4 Once formally agreed, these Terms of Reference will be issued to all Forum members and published in the public domain along with a list of current members for each Forum.

2 Purpose

- 2.1 The purpose of these FRC Community Forums is:
 - a) To maintain effective community engagement throughout all construction, reinstatement and demobilisation works, and build on existing relationships with the communities alongside the scheme;
 - b) To ensure adherence to the commitments relating to Community Engagement and Public Information in the project's Code of Construction Practice;
 - c) To share information and enable community groups to advise of concerns so these may be considered and addressed as appropriate and, through constructive consultation, minimise complaints and ensure that the enquiries and complaints procedures are working as intended;
 - d) To share information regarding the measures proposed to mitigate the effects of construction activities, to allow informed and timely consultation on these measures and the opportunity for review and comment prior to their acceptance by the Employer's Representative and their subsequent adoption and implementation.

3 Working Principles

- 3.1 The Employer's Representative, or his delegated representative, will chair the meetings of the FRC Community Forums. Responsibilities in this regard will include:
 - a) Scheduling meetings and notifying Forum members;

- b) Ensuring all documentation required for the meeting, including agendas and relevant papers for discussion, is issued to the Forum members and published in the public domain at least one week in advance of each meeting;
 - c) Liaising with Forum members before meetings to identify any issues they wish to be considered by the Forum;
 - d) Guiding the meetings according to the agenda [to be developed and agreed by each FRC Community Forum] and time available; and
 - e) Taking notes of proceedings and preparing draft minutes of the meetings of each FRC Community Forum for comment and approval by members and, once agreed, publishing them in the public domain.
- 3.2 The FRC Community Forums should primarily focus on consultation and the sharing of information, the contractor's performance with regard to community engagement and consideration of community concerns relating to the FRC at a strategic level and is not a substitute or extension of other existing complaints, enquiries or communications activities.
- 3.3 Meetings of the FRC Community Forums will be open to the public to attend as observers. Members of the public who wish to raise items for discussion at the Forum should do so in advance through one of the forum's standing members.
- 3.4 Members of any FRC Community Forum shall also be invited to attend any meetings of the other Forums as observers. The agreed minutes of all Forums shall be issued to members of all Forums as well as being published in the public domain.
- 3.5 The FRC Community Forums will meet quarterly as a minimum, with more frequent meetings as required to discuss specific issues, especially during the initial period after the contractor's appointment and start of works on site.
- 3.6 To ensure consistency, all practical steps will be taken to ensure meetings of the three separate Community Forums meet within one to two weeks of each other. The timing and venue for all Forum meetings will be agreed in advance with Forum members.
- 3.7 The members of the Forums will provide any information to be considered at meetings to the Employer's Representative at least one week in advance to enable it to be issued to all members in good time.
- 3.8 The members of the Forum will provide such information as they consider necessary, including making representations, to the Employer's Representative regarding the contractors' proposals for community engagement and public information and its subsequent performance in delivering them.
- 3.9 The Employer's Representative will ensure that any matters brought to his attention by the Forum regarding construction noise and vibration are considered by the Noise Liaison Group and that advice from the members of the Noise Liaison Group on such matters will be considered by the Employer's Representative in determining whether to approve construction works and undertaking any other necessary actions.
- 3.10 The Employer's Representative will ensure that any issues raised by the Forum regarding construction matters are considered, including by the relevant working group as may be appropriate, in determining whether to take any actions to improve the contractors' performance.
- 3.11 Forum members will be expected to comply with the relevant code of conduct adopted by the organisation they represent. If a member is not a member of an

established organisation or their organisation does not have an established code of conduct they should, at a minimum, comply with the general principles of integrity, honesty, openness and respect as outlined in the Scottish Government's standard Code of Conduct for Community Councillors (Annex B).

- 3.12 Additional groups and organisations with an interest and represented constituency relevant to the project can formally join the Forum as members by notifying their interest to Transport Scotland, who will invite existing members to take a view on the appropriateness of the application.
- 3.13 Groups or individuals may resign their interest and representation on the Forum by notifying Transport Scotland, who will notify other members at an appropriate opportunity.
- 3.14 Public comments on behalf of an FRC Community Forum will only be made on resolution of the Forum.

4 Functions

- 4.1 The functions of the FRC Community Forums are to:
 - a) Take evidence from the contractor on matters relating to construction activities that may affect or otherwise impact local communities and may be of interest to them;
 - b) Consider evidence on matters relating to construction activities from other relevant sources;
 - c) Consider whether the necessary procedures relating to community consultation and providing public information comply with the National Standards for Community Engagement and operate effectively and to identify any improvements to these procedures;
 - d) Raise any concerns regarding the construction works' compliance with the Environmental Statement, Reports to Inform Appropriate Assessments, Code of Construction Practice and construction contract and to identify any areas where investigation or discussion is required to by the relevant FRC Working Group;
 - e) Consider matters relating to public notification of construction works, community consultation, enquiries and complaints, including whether appropriate actions have been taken in respect of each and to identify any improvements to the procedures in place or actions taken;
 - f) Consider any appropriate matters brought to the attention of the Forum members for consideration by the Forum.

Annex A

Community Forum Membership

Three geographically focussed Community Forums will be established:

FRC South Community Forum, comprising:

- a) the Scottish Ministers' Employer's Representative (including his advisors) or his delegated representative;
- b) the appointed Contractor on the FRC Principal Contract;
- c) the appointed Contractor on the FRC Fife ITS Contract;
- d) the appointed Contractor on the FRC M9 Junction 1a Contract;
- e) Queensferry and District Community Council;
- f) Newton Community Council;
- g) BRIGS (Bridge Replacement Interest Group – South)
- h) other local established representative community organisations that may be considered appropriate by the Forum.

FRC North Community Forum, comprising:

- a) the Scottish Ministers' Employer's Representative (including his advisors) or his delegated representative;
- b) the appointed Contractor on the FRC Principal Contract;
- c) the appointed Contractor on the FRC Fife ITS Contract;
- d) the appointed Contractor on the FRC M9 Junction 1a Contract;
- e) North Queensferry Community Council;
- f) Rosyth Community Council;
- g) Inverkeithing Community Council;
- h) other local established representative community organisations that may be considered appropriate by the Forum.

FRC M9 Junction 1a Community Forum

- a) the Scottish Ministers' Employer's Representative (including his advisors) or his delegated representative;
- b) the appointed Contractor on the FRC Principal Contract;
- c) the appointed Contractor on the FRC Fife ITS Contract;
- d) the appointed Contractor on the FRC M9 Junction 1a Contract;
- e) Kirkliston Community Council;
- f) other local established representative community organisations that may be considered appropriate by the Forum.

Any individual or organisation may attend meetings of the above forums as observers. Any individual or organisation interested in applying to become a formal member of the forum should notify Transport Scotland via email at frcenquiries@transportscotland.gsi.gov.uk

Annex B

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

Published 23 March 2009 and available for download from the Scottish Government website at: <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/CCLrCodeOfConduct>

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

Service to the Community (Public Service)

Selflessness

Integrity

Objectivity

Accountability and Stewardship

Openness

Honesty

Leadership

Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland)

Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.