Gorchymyn Cyngor Sir Dinas A Sir Caerdydd

Caerau Park Place/Heol Orllewinol Y Bont-Faen, Caerau

Gorchymyn Diogelu Mannau Cyhoeddus 2022

Mae Cyngor Sir Dinas a Sir Caerdydd ("y Cyngor"), wrth arfer ei bwerau dan Adrannau 59, 64 a 72 Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 (“y Ddeddf"), a'r holl bwerau galluogi eraill, ac yn dilyn ymgynghoriad â Phrif Swyddog Heddlu De Cymru ac eraill, drwy hyn yn gwneud y Gorchymyn canlynol: .

1. Daw’r Gorchymyn i rym ar 5 Chwefror, 2022 a bydd ar waith am gyfnod o 3 blynedd wedi hynny, oni chaiff ei ddiddymu, ei ddiwygio neu ei ymestyn gan orchmynion eraill y Cyngor.

2. Mae’r Gorchymyn hwn yn ymwneud â’r rhan o’r llwybr cyhoeddus a nodir ar y Cynllun atodedig (“yr Ardal Gyfyngedig”).

3. Bydd y Gorchymyn hwn yn cyfyngu ar yr hawl dramwy gyhoeddus yn yr Ardal Gyfyngedig. Awdurdoda’r Gorchymyn hwn osod gatiau metel (a nodir gan seren las ar y Cynllun atodedig) yn y lleoliadau a nodir yn Atodlen 1 a fydd yn rhoi’r cyfyngiad ar waith.

4. Disgrifir y llwybr amgen i gerddwyr yn Atodlen 2.

5. Mae’r Cyngor yn fodlon bod yr amodau a nodir yn Adrannau 59, 64 a 72 y Ddeddf wedi'u bodloni a'i bod ym mhob sefyllfa'n fuddiol gwneud y Gorchymyn hwn at ddibenion lleihau troseddu ac ymddygiad gwrthgymdeithasol yn yr Ardal Gyfyngedig.

6. a. Mae’r Cyngor yn fodlon bod y gweithgareddau canlynol wedi digwydd, neu eu bod yn debygol o ddigwydd, yn y man cyhoeddus: Troseddu ac Ymddygiad Gwrthgymdeithasol

   b. Mae’r Cyngor yn gwneud y Gorchymyn hwn am ei fod yn fodlon, ar sail resymol, fod y gweithgareddau sy’n digwydd neu’n debygol o ddigwydd yn y man cyhoeddus sy’n ffurfio’r Ardal Gyfyngedig:-

   i) wedi neu’n debygol o gael effaith andwyol ar ansawdd bywyd trigolion yr ardal
   ii) yn debygol o fod yn barhaus a’u bod yn afresymol, gan felly gyfiawnhau’r cyfyngiadau

7. Os hoffai unrhyw berson â diddordeb gwestiynu dilysrwydd y Gorchymyn hwn ar y sail nad oes gan y Cyngor y pŵer i’w wneud, neu am nas bodlonwyd unrhyw un o ofynion y Ddeddf mewn perthynas â’r Gorchymyn hwn, gall wneud cais i’r Uchel Lys ymhen chwe wythnos o'r dyddiad y cafodd y Gorchymyn hwn ei wneud.

8. Bydd y rheini a ddisgrifir yn Atodlen 3 wedi'u heithrio o ddarpariaethau'r Gorchymyn hwn.

9. Dan Adran 67 y Ddeddf mae'n drosedd i unrhyw un wneud y canlynol heb esgus rhesymol:

i) unrhyw beth a waherddir dan y gorchymyn hwn

ii) methu â bodloni gofyniad sy'n berthnasol iddo dan y gorchymyn hwn

Mae person sy'n euog o gyflawni trosedd dan yr adran hon yn atebol drwy gollfarn ddiannod i ddirwy hyd at lefel 3.

Atodlen 1

Yr Ardal Gyfyngedig: Y llwybr cyhoeddus i gefn 1-11 Caerau Park Place ac Eglwys Sant Ffransis o Assisi ac Inglenook

Lleoliad y Rhwystrau: Un cyfyngiad i'w osod wrth fynedfa'r ardal gyfyngedig:

Rhwng cefn 1 Caerau Park Place/Eglwys St Ffransis o Assisi

Atodlen 2

Y llwybr amgen: Nid oes llwybr amgen.

Atodlen 3

Ni fydd y cyfyngiad y cyfeirir ato ym mharagraff 3 y Gorchymyn uchod yn berthnasol i ddeiliaid eiddo sy'n ffinio â neu sydd ger yr Ardal Gyfyngedig, swyddogion y Cyngor, yr Heddlu na'r Gwasanaethau Tân ac Ambiwlans sydd angen defnyddio'r Ardal Gyfyngedig i gyflawni eu pwerau a'u dyletswyddau statudol ac unrhyw un sy'n ymgymryd â dyletswyddau statudol y mae angen mynediad arno i'w offer.

Dyddiedig 4 Chwefror, 2022

[Cyfeirnod Sêl 54943]

Rhoddwyd Sêl Gyffredin
Cyngor Sir
Dinas A Sir
Caerdydd yma yng
ngŵydd:-

Sheila Davies

Llofnodwr awdurdodedig

The County Council of the City and County of Cardiff

Caerau Park Place/Cowbridge Road West, Caerau

Public Spaces Protection Order 2022

The County Council of the City and County of Cardiff ("the Council") in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers and following consultation with the Chief Officer of South Wales Police and others hereby makes the following Order: .

1. The Order shall come into operation on 5th day of February, 2022 and shall have effect for a period of 3 years thereafter, unless revoked, amended or extended by further orders under the Council'

2. This Order relates to that part of the public path coloured red on the attached Plan ("the Restricted Area").

3. The effect of this Order is to restrict the public right of way over the Restricted Area. This Order authorises the installation of metal gates (identified by a blue edged star on the attached Plan) in the locations detailed in Schedule 1 which will give effect to the restriction.

4. The alternative route for pedestrians is described in Schedule 2

5. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all of the circumstances expedient to make this Order for the purposes of reducing crime and anti-social behaviour in the Restricted Area.

6. a. The Council is satisfied that the following activities have been or are likely to be carried out in the public space: Crime and Anti-Social Behaviour

   b. This Order is made by the Council because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in the public space that forms the Restricted Area:-

   iii) have had or are likely to have a detrimental effect on the quality of life of those in the locality

   iv) are or are likely to be persistent or continuing in nature and to be unreasonable and justify the restrictions imposed

7. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

8. Those persons described in Schedule 3 shall be exempt from the provisions of this Order.

9. Section 67 of the Act makes it is an offence for a person without reasonable excuse to:

i) do anything that the person is prohibited from doing by this order
ii) fail to comply with a requirement to which the person is subject under this order

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3.

Schedule 1

Restricted Area: The public path to the rear of 1-11 Caerau Park Place and the Church of St Francis of Assisi and Inglenook

Location of Barriers: 1 number restriction to be placed at the entrance to the restricted area:

Between the rear of 1 Caerau Park Place/Church of St Francis of Assisi

Schedule 2

The alternative route: There is no alternative route.

Schedule 3

The restriction referred to in paragraph 3 of the Order shall not apply to the occupiers of premises adjoining or adjacent to the relevant Restricted Area, an officer of the Council, the Police, and Fire or Ambulance Services who have cause to use the Restricted Area in the performance of their statutory powers and duties and any statutory undertaker requiring access to their apparatus.

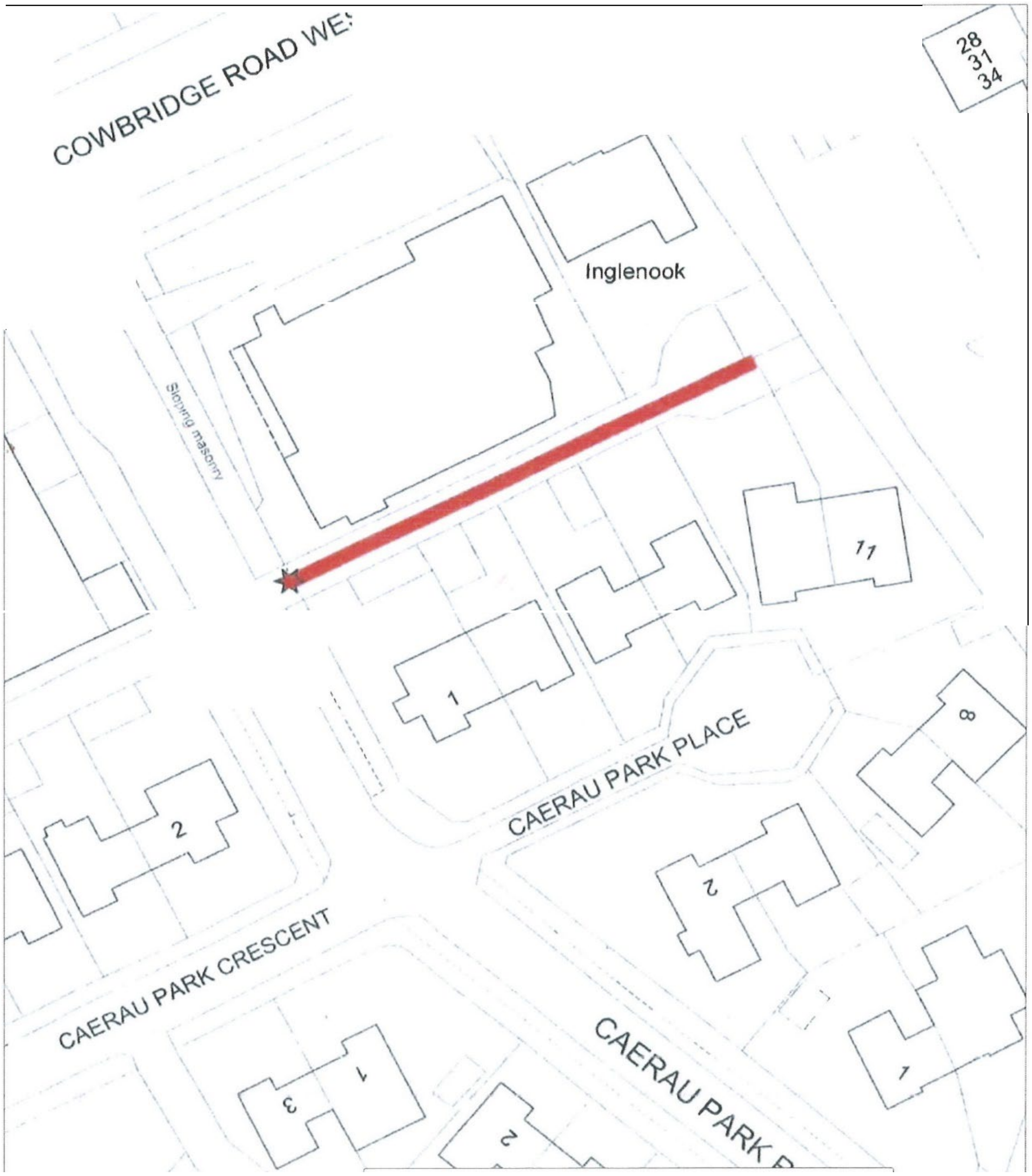
Dated this 4th day of February, 2022

[Sealing Reference 54043]

The Common Seal of the
County Council of the
City and County of
Cardiff was hereunto affixed in
the presence of:-

Sheila Davies

Authorised signatory

Lon i gefn o 1-9 Caerau Park Place

Lane to the rear of 1-9 Caerau Park Place