# The County Council Of The City And County Of Cardiff

### Public Spaces Protection Order (Tweedsmuir Road, Dunsmuir Road, Madoc Road, Splott, Cardiff) 2023

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 18th January 2023 and shall have effect for a period of 3 years thereafter, unless revoked, amended or extended by further orders under the Council.

1. This Order relates to that part of the public path shown hatched on the attached Plan (“the Restricted Area”) and described in Schedule 1.
2. 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 an asterisk on the attached Plan) and described in Schedule 1, which will give effect to the restriction.
3. The alternative route for pedestrians is described in Schedule 2.
4. 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 the circumstances expedient to make this Order for the purposes of reducing crime and anti-social behaviour in the Restricted Area.
5. 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:-

1. have had or are likely to have a detrimental effect on the quality of life of those in the locality
2. are or are likely to be persistent or continuing in nature and to be unreasonable and justify the restrictions imposed
3. 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.
4. Those persons described in Schedule 3 shall be exempt from the provisions of this Order.
5. 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 between 40-42 Tweedsmuir Road and 39-41 Dunsmuir Road and the public path between 103-105 Madoc Road and 44-46 Dunsmuir Road, Splott, Cardiff

Location of Barriers:4 number restrictions to be placed at the entrances to the restricted area:

1. Between 40 and 42 Tweedsmuir Road, Splott, Cardiff.
2. Between 39 and 41 Dunsmuir Road, Splott, Cardiff
3. Between 44 and 46 Dunsmuir Road, Splott, Cardiff
4. Between 103 and 105 Madoc Road, Splott, Cardiff

#### **Schedule 2**

The alternative routes:

Tweedsmuir Road, Muirton Road, Mervyn Road, Madoc Road and Mona Place, as indicated by the broken line on the Plan annexed to this Order.

#### **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 11th day of January 2023

Seal Reference Number: 55728

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

# Cyngor Sir Dinas A Sir Caerdydd

### Gorchymyn Diogelu Mannau Cyhoeddus (Heol Tweedsmuir, Dunsmuir Road, Madoc Road, Y Sblot, Caerdydd) 2023

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 ar ôl ymgynghori â Phrif Swyddog Heddlu De Cymru ac eraill, drwy hyn yn gwneud y Gorchymyn canlynol:

1. Daw’r Gorchymyn i rym ar 18 Ionawr 2023 a bydd ar waith am gyfnod o 3 blynedd wedi hynny, oni chaiff ei ddiddymu, ei ddiwygio neu ei ymestyn drwy orchmynion eraill gan y Cyngor.

1. Mae'r Gorchymyn hwn yn ymwneud â'r rhan honno o'r llwybr cyhoeddus a ddangosir â chroeslinellau ar y Cynllun atodedig ("yr Ardal Gyfyngedig") ac a ddisgrifir yn Atodlen 1.
2. Effaith y Gorchymyn hwn yw cyfyngu ar yr hawl dramwy gyhoeddus dros yr Ardal Gyfyngedig. Awdurdoda’r Gorchymyn hwn osod gatiau metel (a nodir â seren ar y Cynllun atodedig) yn y lleoliadau a nodir yn Atodlen 1 a fydd yn rhoi’r cyfyngiad ar waith.
3. Disgrifir y llwybr amgen i gerddwyr yn Atodlen 2.
4. Mae'r Cyngor yn fodlon bod yr amodau a nodir yn adrannau 59, 64 a 72 y Ddeddf wedi'u bodloni a bod gwneud y Gorchymyn hwn yn iawn dan yr holl amgylchiadau, at ddibenion lleihau trosedd ac ymddygiad gwrthgymdeithasol yn yr Ardal Gyfyngedig.
5. a. Mae’r Cyngor yn fodlon bod y gweithgareddau canlynol wedi digwydd, neu eu bod yn debygol o ddigwydd, yn y man cyhoeddus: Trosedd ac Ymddygiad Gwrthgymdeithasol

b. Mae’r Cyngor yn gwneud y gorchymyn hwn oherwydd ei fod yn fodlon ar sail resymol bod gweithgareddau a gyflawnir neu sy'n debygol o gael eu cyflawni yn y man cyhoeddus sy'n ffurfio'r Ardal Gyfyngedig:-

1. wedi cael, neu'n debygol o gael, effaith andwyol ar ansawdd bywyd pobl yn yr ardal
2. yn, neu'n debygol o fod yn, gyson neu’n barhaus eu natur ac yn afresymol ac yn cyfiawnhau'r cyfyngiadau a osodir
3. Os oes unrhyw berson sydd â buddiant yn dymuno herio dilysrwydd y Gorchymyn hwn ar y sail nad oedd gan y Cyngor unrhyw bŵer i'w wneud neu na chydymffurfiwyd ag unrhyw un o ofynion y Ddeddf mewn perthynas â'r Gorchymyn hwn, caiff wneud cais i'r Uchel Lys cyn pen chwe wythnos o'r dyddiad y gwneir y Gorchymyn hwn.
4. Bydd y bobl a ddisgrifir yn Atodlen 3 yn cael eu heithrio rhag darpariaethau'r Gorchymyn hwn.
5. Mae Adran 67 y Ddeddf yn ei gwneud yn drosedd i berson sydd heb esgus rhesymol:

i) wneud unrhyw beth y gwaherddir y person rhag ei wneud gan y gorchymyn hwn

ii) methu â chydymffurfio â gofyniad y mae'r person yn destun iddo dan y gorchymyn hwn

Mae person sy'n euog o dramgwydd dan yr adran hon yn agored, os caiff ei gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 3.

**Atodlen 1**

Yr Ardal Gyfyngedig: Y llwybr cyhoeddus rhwng 40-42 Heol Tweedsmuir a 39-41 Dunsmuir Road a'r llwybr cyhoeddus rhwng 103-105 Madoc Road a 44-46 Dunsmuir Road, Y Sblot, Caerdydd

Lleoliad y Rhwystrau: 4 cyfyngiad i’w osod wrth fynedfeydd yr ardal gyfyngedig:

I. Rhwng 40 a 42 Heol Tweedsmuir, Y Sblot, Caerdydd.

II. Rhwng 39 a 41 Dunsmuir Road, Y Sblot, Caerdydd

III. Rhwng 44 a 46 Dunsmuir Road, Y Sblot, Caerdydd

IV. Rhwng 103 a 105 Madoc Road, Y Sblot, Caerdydd

#### **Atodlen 2**

Llwybr amgen:

Tweedsmuir Road, Heol Muirton, Mervyn Road, Madoc Road a Mona Place, fel y nodir gan y llinell doredig ar y Cynllun sydd wedi’i atodi at y Gorchymyn hwn.

#### **Atodlen 3**

Ni fydd y cyfyngiad y cyfeirir ato ym mharagraff 3 y Gorchymyn yn gymwys i feddianwyr safleoedd sy'n ffinio â'r ardal gyfyngedig berthnasol neu sy'n gyfagos iddi, swyddogion y Cyngor, yr heddlu, a'r gwasanaethau tân neu ambiwlans y mae ganddynt achos i ddefnyddio'r ardal gyfyngedig wrth gyflawni eu pwerau a'u dyletswyddau statudol ac unrhyw ymgymerwr statudol sydd angen mynediad i'w gyfarpar.

Dyddiad: 11 Ionawr 2023

Cyfeirnod sêl: 55728

GOSODWYD SÊL GYFFREDIN

CYNGOR SIR

DINAS A SIR

CAERDYDD yma

ym mhresenoldeb:-

Sheila Davies

Llofnodwr awdurdodedig

Plan illustrating the position of the restricted area, gate locations and alternative route, as detailed in the Order
Cynllun yn dangos safle’r ardal gyfyngedig, lleoliadau gatiau a ffordd amgen, fel y manylir arnynt  yn y Gorchymyn
