

GORCHYMYN DIOGELU MANNAU CYHOEDDUS CYNGOR SIR DINAS A SIR CAERDYDD (BRITHDIR STREET/ PENTYRCH STREET) 2019

Mae Cyngor Sir Dinas a Sir Caerdydd ("y Cyngor"), wrth arfer ei bwerau dan Adrannau 59, 64 a 72 Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 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 22 Rhagfyr, 2019 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 llwybr cyhoeddus a nodir â llinell GOCH ar y Cynllun atoddedig ("yr Ardal Gyfyngedig").
3. Bydd y Gorchymyn hwn yn cyfyngu ar yr hawl dramwy gyhoeddus yn yr Ardal Gyfyngedig. Awdurdoda'r Gorchymyn hwn osod gathiau metel (a nodir gan ddot glas ar y Cynllun atoddedig) 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 hwnMae 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 y tu cefn i 11 – 21 Pentyrch Street **A** 2 – 8 Brithdir Street **A** 2 – 6 Llantrisant Street **A** 141 – 145 Cathays Terrace

Lleoliad y Rhwystrau: 2 gyfyngiad i'w gosod wrth fynedfa'r ardal gyfyngedig:

- i) Rhwng ochr 11 a 13 Pentyrch Street
- ii) Rhwng ochr 2 Brithdir Street ac ochr Old Coach House, Brithdir Street

ATODLEN 2

Y llwybr amgen:

Trwy'r priffyrdd

O flaen 13 – 21 Pentyrch Street
O ochr 21 Pentyrch Street i 2 Brithdir Street

Fel y nodir ar y cynllun atodedig

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 5 Rhagfyr, 2019

RHODDWDYD SÊL GYFFREDIN
CYNGOR SIR
DINAS A SIR
CAERDYDD yma yng
ngŵydd:-

Llofnodwr awdurdodedig

**THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF
(BRITHDIR STREET/ PENTYRCH STREET) PUBLIC SPACES PROTECTION ORDER 2019**

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 22nd day of December, 2019 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 shown by a solid RED line 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 dot 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:-
 - i) have had or are likely to have a detrimental effect on the quality of life of those in the locality
 - ii) 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 11 – 21 Pentyrch Street **AND** 2 – 8 Brithdir Street **AND** 2 – 6 Llantrisant Street **AND** 141 – 145 Cathays Terrace

Location of Barriers: 2 No. restrictions to be placed at the entrance to the restricted area:

- i) Between side of 11 and 13 Pentyrch Street
- ii) Between side of 2 Brithdir Street and side of Old Coach House, Brithdir Street

SCHEDULE 2

The alternative route:

Via the highways

In front of 13 – 21 Pentyrch Street
From side of 21 Pentyrch Street to 2 Brithdir Street

As shown on the attached plan

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 5th day of December, 2019

THE COMMON SEAL OF THE
COUNTY COUNCIL OF THE
CITY AND COUNTY OF
CARDIFF was hereunto affixed in
the presence of:-

Authorised signatory