

## **GORCHYMYN DRAFFT ARFAETHEDIG CYNGOR SIR DINAS A SIR CAERDYDD DIOGELU MANNAU CYHOEDDUS (EAST GROVE) 2019**

Mae Cyngor Sir Dinas a Sir Caerdydd ("y Cyngor") drwy arfer ei bwerau o dan Adrannau 59, 64 a 72 y Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma ("y Ddeddf") a phob pŵer galluogi arall ac ar ôl ymgynghori â'r Prif Swyddog Heddlu De Cymru ac eraill, drwy hyn yn gwneud y Gorchymyn canlynol: .

1. Daw'r Gorchymyn i rym ar 27 Rhagfyr, 2019 a bydd ar waith am gyfnod o 3 blynedd wedi hynny, oni chaiff ei ddirymu, ei ddiwygio neu ei ymestyn drwy orchmynion pellach gan y Cyngor
2. Mae'r Gorchymyn hwn yn ymwneud â'r rhan honno a ddangosir â chroeslinellau coch ar y Cynllun atodedig ac a ddisgrifir yn Atodlen 1 isod ("yr Ardal Gyfyngedig").
3. Diben y Gorchymyn fydd cyfyngu ar hawl dramwy gyhoeddus drwy'r Ardal Gyfyngedig rhwng **5.00pm a 9.00am o ddydd Llun i ddydd Gwener (gan gynnwys y diwrnodau hynny) a thrwy'r dydd ar ddydd Sadwrn a dydd Sul.** Mae'r Gorchymyn hwn yn awdurdodi i gât metel (a gynrychiolir gan seren goch ar y Cynllun atodedig) gael ei osod a fydd yn rhoi'r cyfyngiad ar waith.
4. Disgrifir y llwybr amgen ar gyfer cerddwyr yn Atodlen 2
5. Mae'r Cyngor yn fodlon bod yr amodau a nodir yn adrannau 59, 64 a 72 o'r Ddeddf wedi'u bodloni a'i bod yn iawn o dan yr holl amgylchiadau i wneud 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. Gwneir y Gorchymyn hwn gan y Cyngor am fod y Cyngor 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:-
    - i) wedi cael, neu'n debygol o gael, effaith andwyol ar ansawdd bywyd y rhai sydd yn yr ardal
    - ii) yn neu'n debygol o fod yn gyson neu'n barhaus mewn natur ac i fod yn afresymol ac yn cyfiawnhau'r cyfyngiadau a osodir
7. Os oes unrhyw berson sydd â buddiant yn dymuno cwestiynu 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.
8. Bydd y personau hynny a ddisgrifir yn Atodlen 3 wedi eu heithrio rhag darpariaethau'r Gorchymyn hwn.
9. 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 o dan y Gorchymyn hwn

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

### **Atodlen 1**

Yr Ardal Gyfyngedig: Y lôn y tu ôl i 2-11 East Grove, Caerdydd

Lleoliad yr Atalfa: Un cyfyngiad i'w osod wrth fynedfa'r ardal gyfyngedig:

Rhwng y tu ôl i 30 East Grove ac ochr 31 The Parade, Caerdydd

### **Atodlen 2**

Y ffordd amgen:

Nid oes llwybr amgen

### **Atodlen 3**

Ni fydd y cyfyngiad y cyfeirir ato ym mharagraff 3 y Gorchymyn yn gymwys i feddianwyr mangreoedd 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 cyfarpar.

Dyddiedig 16 Rhagfyr, 2019

GOSODWYD SÊL GYFFREDIN  
CYNGOR SIR  
DINAS A SIR  
CAERDYDD yma  
ym mhresenoldeb:-

Llofnod Awdurdodedig

**THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF  
PUBLIC SPACES PROTECTION (EAST GROVE) 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 27<sup>th</sup> 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 shown hatched red on the attached Plan and described in Schedule 1 below (“the Restricted Area”).
3. The effect of this Order is to restrict the public right of way over the Restricted Area between the hours of **5.00pm – 9.00am Monday to Friday (inclusive) and all day Saturday and Sunday.** This Order authorises the installation of a metal gate (identified by a red asterisk on the attached Plan) 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 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 lane to the rear of 2-11 East Grove, Cardiff

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

Between the rear of 30 East Grove and the side of 31 The Parade, Cardiff

### **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 16<sup>th</sup> 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

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Dated this 16<sup>th</sup> DECEMBER, 2019

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



A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a flourish.

Authorised signatory

# Lon i gefn o 2-11 East Grove Lane to the rear of 2-11 East Grove



