

**GORCHYMYN DRAFFT ARFAETHEDIG CYNGOR SIR DINAS A SIR CAERDYDD
(DIOGELU MANNAU CYHOEDDUS) (FAIRWATER GROVE WEST, CAERDYDD) 2020**

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 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 20 Chwefror 2020** 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.
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. Effaith y Gorchymyn hwn yw cyfyngu ar hawliau tramwy cyhoeddus dros yr Ardal Gyfyngedig. Mae'r Gorchymyn hwn yn awdurdodi gwaith i osod gathiau y gellir eu cloi (a gynrychiolir â sêr coch ar y Cynllun atodedig) i roi'r cyfyngiad ar waith.
4. Mae'r llwybr amgen i gerddwyr wedi'i farcio'n las ar y Cynllun atodedig ac wedi'i ddisgrifio 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. Mae hyn yn unol ag Adran 59 y Ddeddf:
 - a. Mae'r Cyngor yn fodlon bod gweithgareddau wedi'u cyflawni yn yr Ardal Gyfyngedig sydd wedi cael effaith niweidiol ar ansawdd bywyd pobl yn yr ardal; ac
 - b. Mae'r Cyngor yn fodlon bod effaith, neu effaith debygol y gweithgareddau a gyflawnir yn yr Ardal Gyfyngedig:-
 - i) yn debygol o fod o natur gyson neu barhaus;
 - ii) yn debygol o wneud y gweithgareddau'n afresymol; ac
 - iii) yn cyfiawnhau'r cyfyngiadau a osodir gan yr hysbysiad.
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 cefn i 1 - 137 Fairwater Grove West.
Lleoliad y Rhwystrau	2 gyfyngiad ar ffurf gatiau y gellir eu cloi i'w gosod wrth y fynedfa i'r Ardal Gyfyngedig, wedi'u marcio â sêr coch ar y Cynllun.

Atodlen 2

Y ffordd amgen:

- i) Y tu blaen i 46 a 48 Waungron Road; wrth ochr 48 Waungron Road ac y tu blaen i 1 – 75 Fairwater Grove West (fel y nodir gan y llinell las ar y cynllun atodedig).

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 ymgymwrwr statudol sydd angen mynediad i'w cyfarpar.

Dyddiad: 10 diwrnod o fis Chwefror 2020

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 ORDER (FAIRWATER GROVE WEST, CARDIFF) 2020**

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 20 February 2020** 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. This Order authorises the installation of lockable gates (identified by red stars on the attached Plan) which will give effect to the restriction.
4. The alternative route for pedestrians is described in Schedule 2 and marked in blue on the attached Plan.
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. In accordance with section 59 of the Act:
 - a. The Council is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality; and
 - b. The Council is satisfied the effect, or likely effect of the activities carried out on the Restricted Area:-
 - i) is likely to be of a persistent or continuing nature;
 - ii) is likely to make the activities unreasonable; and
 - iii) justify the restrictions imposed by the notice.
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:
 - i) to do anything that the person is prohibited from doing by this Order;

- ii) to 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 1 – 137 Fairwater Grove West.
Location of Barriers	2 No. restrictions in the form of lockable gates to be placed at the entrance to the Restricted Area, marked by red stars on the Plan.

Schedule 2

The alternative route:

- i) To the front of 46 and 48 Waungron Road; to the side of 48 Waungron Road and to the front of 1 – 75 Fairwater Grove West (as indicated by the blue line 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 10th day of February 2020

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





Authorised signatory

Gosod gatiau: Lon o gefn o Fairwater Grove West (1-137)
Alleygating: Lane to the rear of Fairwater Grove West (1-137)

