Cyngor Sir Dinas a Sir Caerdydd

Gorchymyn Gwarchod Mannau Cyhoeddus (Kimberley Road/Westville Road, Pen-y-lan) 2025

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 phob pŵer galluogi arall, 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 24 Ionawr 2025 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 o'r llwybr cyhoeddus a ddangosir â llinell doredig ar y Cynllun atodedig ("yr Ardal Gyfyngedig") ac a nodir yn Atodlen 1.

3. 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) ac a ddisgrifir 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 bod gwneud y Gorchymyn hwn yn iawn dan yr holl amgylchiadau, 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 oherwydd ei fod yn fodlon ar sail resymol fod gweithgareddau a gyflawnir neu sy'n debygol o gael eu cyflawni yn y man cyhoeddus sy'n ffurfio'r Ardal Gyfyngedig:-

      i) wedi effeithio neu'n debygol o effeithio'n andwyol ar ansawdd bywyd pobl yn yr ardal
      ii) yn neu'n debygol o fod yn gyson neu'n barhaus eu natur ac 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 bobl a ddisgrifir yn Atodlen 3 yn cael 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 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 lôn y tu cefn i 72-116 Kimberley Road a'r tu cefn i 45-99 Westville Road

Lleoliad y Rhwystrau: 2 gyfyngiad i'w gosod wrth fynedfeydd yr ardal gyfyngedig:

i) Rhwng cefn 51 Westville Road a chefn 70 Kimberley Road
ii) Rhwng cefn 99 Westville Road a chefn 116 Kimberley Road

Atodlen 2

Y llwybr amgen:

Drwy'r priffyrdd cyhoeddus i gefn ac ochr 72 Kimberley Road, ac i flaen 72-116 Kimberley Road, i ochr 116 Kimberley Road, ac i ochr 99 Westville Road, i flaen 45-99 Westville Road, i flaen 45-99 Westville Road, ac i ochr 45 Westville Road, ac i gefn 45-49 Westville fel y nodir gan y llinell doredig ar y Cynllun sydd ynghlwm wrth 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, na'r gwasanaethau tân neu ambiwlans y mae ganddynt achos i ddefnyddio'r ardal gyfyngedig wrth gyflawni eu pwerau a'u dyletswyddau statudol nac unrhyw ymgymerwr statudol sydd angen mynediad i'w gyfarpar.

Dyddiedig 17 Ionawr 2025

Cyfeirnod y Sêl: 58932

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

Sian Humphries

Llofnodwr awdurdodedig

The County Council of the City and County of Cardiff

Public Spaces Protection Order (Kimberley Road/Westville Road, Penylan 2025)

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 24th January 2025 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 hatched on the attached Plan ("the Restricted Area") and described in Schedule 1.

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 star on the attached Plan) and described 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 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 lane to the rear of 72-116 Kimberley Road and to the rear of 45-99 Westville Road

Location of Barriers: 2 number restrictions to be placed at the entrances to the restricted area:

iii) Between the rear of 51 Westville Road and the rear of 70 Kimberley Road
iv) Between the rear of 99 Westville Road and the rear of 116 Kimberley Road

Schedule 2

The alternative route:

Via the public highways to the rear and side of 72 Kimberley Road, and to the front of 72-116 Kimberley Road, to the side of 116 Kimberley Road, and to the side of 99 Westville Road, to the front of 45-99 Westville Road, and to the side of 45 Westville Road, and to the rear of 45-49 Westville 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 17th January 2025

Seal Reference Number: 58932

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

Sian Humphries

Authorised signatory