Cyngor Sir Dinas A Sir Caerdydd Caerau Park Crescent/Heol Orllewinol Y Bont-Faen, Caerau, Caerdydd Gorchymyn Diogelu Mannau Cyhoeddus 2022

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 5ed diwrnod 5 Chwefror 2022 a bydd ar waith am gyfnod o 3 blynedd wedi hynny, oni chaiff ei ddiddymu ei ddiwygio neu ei estyn drwy orchmynion eraill gan y Cyngor.

2. Mae'r Gorchymyn hwn yn ymwneud â'r rhan o'r llwybr cyhoeddus a nodir yn GOCH ar y Cynllun atodedig ("yr Ardal Gyfyngedig").

3. Effaith y Gorchymyn hwn yw cyfyngu ar yr hawliau tramwy cyhoeddus dros yr Ardal Gyfyngedig. Awdurdoda'r Gorchymyn hwn osod gatiau metel (a nodir â seren GOCH ar y Cynllun atodedig) 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 eu cyflawni, neu eu bod yn debygol o gael eu cyflawni, 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 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 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 personau 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 llwybr cyhoeddus yng nghefn 2-14 Caerau Park Crescent a 285 Heol Orllewinol y Bont-faen

Lleoliad y Rhwystrau: Un cyfyngiad i'w osod wrth fynedfa'r ardal gyfyngedig

Y llwybr cyhoeddus yng nghefn 2 Caerau Park Crescent a 285 Heol Orllewinol y Bont-faen

Atodlen 2

Llwybr amgen: Nid oes llwybr amgen.

Atodlen 3

Ni fydd y cyfyngiad y cyfeirir ato ym mharagraff 3 y Gorchymyn yn berthnasol i feddianwyr safleoedd sy'n ffinio â'r ardal gyfyngedig berthnasol neu sy'n gyfagos, 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 4 Chwefror 2022

[Cyfeirnod Sêl 54944]

Gosodwyd Sêl Gyffredin
Cyngor Sir
Dinas A Sir
Caerdydd yma
ym mhresenoldeb:-

Sheila Davies

Llofnodwr awdurdodedig

The County Council of the City and County of Cardiff

Caerau Park Crescent/Cowbridge Road West, Caerau

Public Spaces Protection Order 2022

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 5th day of February, 2022 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 coloured red 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 edged star 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 2 to 14 Caerau Park Crescent and 285 Cowbridge Road West

Location of Barriers: One number restrictions to be placed at the entrance to the restricted area:

Between the rear of 2 Caerau Park Crescent and 285 Cowbridge Road West.

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 4th day of February, 2022

[Seal Reference 54044]

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

Lon i gefn o 1-9 Caerau Park Place

Lane to the rear of 1-9 Caerau Park Place