

Cyngor Sir Dinas A Sir Caerdydd
Gorchymyn Diogelu Mannau Cyhoeddus
(Mafeking Road/Harrismith Road A Kimberly Road) 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 Phlisma 2014 (“y Ddeddf”) a phob pŵer galluogi arall ac, yn dilyn ymgynghori â Phrif Swyddog Heddlu De Cymru ac eraill, drwy hyn yn gwneud y Gorchymyn canlynol: .

1. Daw'r Gorchymyn i rym ar 18 Ionawr 2022 a bydd ar waith am gyfnod o 3 blynedd ar ôl hynny, oni chaiff ei ddi-ddymu, ei ddiwygio neu'i ymestyn gan orchmynion ychwanegol gan y Cyngor.
2. Mae'r Gorchymyn hwn yn ymwneud â'r rhan honno o'r llwybr cyhoeddus â llinellau coch ar y cynllun atodol (“yr Ardal Gyfyngedig”).
3. Effaith y Gorchymyn hwn yw cyfyngu ar hawl dramwy gyhoeddus dros yr Ardal Gyfyngedig. Mae'r Gorchymyn hwn yn awdurdodi gwaith i osod gathiau metel (a gynrychiolir â seren goch ar y Cynllun atoddedig) i roi'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 o'r Ddeddf wedi'u bodloni ac, o ystyried yr holl amgylchiadau, mai'r dewis gorau yw 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: trosedd ac ymddygiad gwrthgymdeithasol.
 - b. Gwneir y Gorchymyn hwn gan y Cyngor gan fod y Cyngor yn fodlon ar sail resymol fod gweithgareddau sy'n digwydd neu sy'n debygol o ddigwydd 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 yn yr ardal
 - ii) yn neu'n debygol o fod yn barhaus o ran natur ac yn afresymol a'u bod yn cyfiawnhau'r cyfyngiadau a osodir
7. Os hoffai unrhyw berson â diddordeb gwestiynu dilysrwydd y Gorchymyn hwn ar y sail nad oedd gan y Cyngor y pŵer i'w wneud, neu ar y sail na fodlonwyd unrhyw un o ofynion y Ddeddf mewn perthynas â'r Gorchymyn hwn, caiff wneud cais i'r Uchel Lys o fewn chwe wythnos ar ôl y 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. Mae Adran 67 y Ddeddf yn ei gwneud yn dramgwydd i rywun 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 rhywun yn destun iddo o dan y gorchymyn hwn

Mae rhywun sy'n euog o dramgwydd o dan yr adran hon yn agored, os caiff euogfarn ddiannod, i dalu dirwy nad yw'n uwch na lefel 3.

Atodlen 1

Ardal Gyfyngedig: Y llwybr cyhoeddus i gefn 5-21 Kimberley Road a'r llwybr i gefn 1-39 Mafeking Road, Caerdydd.

Lleoliad y Rhwystr: 3 cyfyngiad i'w gosod wrth fynedfeydd yr ardal gyfyngedig:

Rhwng cefn 21 Kimberley Road ac ochr 1 Mafeking Road.

Rhwng ochr 2 Harrismith Road ac ochr 4 Harrismith Road.

Rhwng cefn 26 Harrismith Road ac ochr 39 Mafeking Road.

Atodlen 2

Y llwybr amgen: Drwy Briffordd i flaen 5-21 Kimberley Road i ochr 21 Kimberley Road, o flaen 1-39 Mafeking Road, a thrwy'r lôn i ochr 39 Mafeking Road a thrwy'r lôn i ochr 26 Harrismith Road a ac i flaen 2-26 Harrismith road fel y'i amlinellir yn y Cynllun sydd wedi'i atodi i'r Gorchymyn hwn.

Atodlen 3

Ni fydd y cyfyngiad y cyfeirir ato ym mharagraff 3 y Gorchymyn yn berthnasol i ddeiliaid y safle sy'n ffinio â neu sydd ger yr Ardal Gyfyngedig berthnasol, swyddog o'r Cyngor, yr heddlu, na'r gwasanaethau tân neu ambiwlans sydd â rheswm i ddefnyddio'r Ardal Gyfyngedig wrth arfer eu pwerau a'u dyletswyddau statudol ac unrhyw ymgymwrwr statudol y mae angen iddo gael mynediad i'w gyfarpar.

Dyddiedig: 12 Ionawr, 2022

[Cyfeirnod sêl 53939]

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

S. Davis
Llofnod Awdurdodedig

The County Council Of The City And County Of Cardiff
Public Spaces Protection Order
(Harrismith Road/ Mafeking Road And Kimberley Road) 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 18th January 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 hatched 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 gates (identified by a red star 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 public path to the rear of 5 – 21 Kimberley Road and the lane to the rear of 1 – 39 Mafeking Road, Cardiff.

Location of Barrier: 3 numbered restrictions to be placed at the entrance to the restricted area:

Between the rear of 21 Kimberley Road and side of 1 Mafeking Road.

Between the side of 2 Harrismith Road and side of 4 Harrismith Road.

Between the rear of 26 Harrismith Road and rear of 39 Mafeking Road.

Schedule 2

The alternative route: Via the Highway to the front of 5 – 21 Kimberley Road, to side of 21 Kimberley Road, in front of 1 – 39 Mafeking Road, via the lane to the side of 39 Mafeking Road and via the lane to the side of 26 Harrismith Road and to the front of 2 – 26 Harrismith Road, as set out in 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: 12 January, 2022

[Seal reference 53939]

The Common Seal Of The
County Council Of The
City And County Of
Cardiff was hereunto affixed in
the presence of:-

S. Davis
Authorised signatory

**THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF
PUBLIC SPACES PROTECTION ORDER
(HARRISMITH ROAD/ MAFEKING ROAD AND KIMBERLEY ROAD) 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 18th January 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 hatched 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 gates (identified by a red star 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 public path to the rear of 5 – 21 Kimberley Road and the lane to the rear of 1 – 39 Mafeking Road, Cardiff.

Location of Barrier: 3 numbered restrictions to be placed at the entrance to the restricted area:

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Between the side of 2 Harrismith Road and side of 4 Harrismith Road.

Between the rear of 26 Harrismith Road and rear of 39 Mafeking Road.

SCHEDULE 2

The alternative route: Via the Highway to the front of 5 – 21 Kimberley Road, to side of 21 Kimberley Road, in front of 1 – 39 Mafeking Road, via the lane to the side of 39 Mafeking Road and via the lane to the side of 26 Harrismith Road and to the front of 2 – 26 Harrismith Road, as set out in 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: 12 January, 2022

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

Shiraz Sam

Authorised signatory



Lon i gefn o Harrismith Road, Mafeking Road a Kimberley Road
Lane to the rear of Harrismith Road, Mafeking Road and Kimberley Road

