

Cyngor Sir Dinas a Sir Caerdydd

Gorchymyn Estyn Cyfun Diogelu Mannau Cyhoeddus

Grŵp 1 Pen-y-lan, 2023

Mae Cyngor Sir Dinas a Sir Caerdydd, wrth arfer ei bwerau dan adrannau 59, 60, 64 a 72 Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014, drwy hyn yn gwneud y Gorchymyn canlynol:

1. Daw'r Gorchymyn i rym ar **04/03/2023** a bydd ar waith am 3 blynedd wedi hynny, oni chaiff ei ddiddymu, ei ddiwygio neu ei estyn gan orchmynion eraill y Cyngor.
2. Bwriad y Gorchymyn hwn yw gosod y cyfyngiadau cyfredol ar yr hawliau tramwy cyhoeddus yn ystod y cyfnodau a nodir yn Atodlen 1 isod ("Cyfnodau Penodedig").
3. Mae'r ardaloedd sy'n destun cyfyngiadau'r Gorchymyn hwn yn cael eu disgrifio yn Atodlenni 2 a 3 isod a'u dangos fel ardaloedd tywyll ar y cynlluniau a atodir i'r Gorchymyn hwn ("yr Ardaloedd Cyfyngedig").
4. Cydgrynhoir y Gorchmynion yn Atodlen 3 o fewn y Gorchymyn hwn heb unrhyw newid i'w hanfod yn unol â Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014 i'r graddau y maent yn ymwneud â gosod cyfyngiadau ar yr hawl dramwy gyhoeddus yn ôl yr ystyr sydd yn adrannau 59, 60, 64 a 72 y Ddeddf.
5. Mae'r Gorchymyn hwn yn awdurdodi gwaith i osod gatiau metel (a gynrychiolir â symbolau seren/gât ar y cynlluniau a atodir) ym mhennau'r Ardaloedd Cyfyngedig, a fydd yn rhoi'r cyfyngiadau ar waith.
6. Os yw Ardal Gyfyngedig yn llwybr trwodd, mae'r Cyngor yn fodlon bod llwybrau amgen gweddol gyfleus ar gael i'r cyhoedd.
7. Mae'r Cyngor yn fodlon bod yr amodau a nodir yn adrannau 59, 64 a 72 y Ddeddf wedi'u bodloni a'i bod yn iawn gwneud y Gorchymyn hwn dan yr holl amgylchiadau at ddibenion lleihau trosedd ac ymddygiad gwrthgymdeithasol yn yr Ardaloedd Cyfyngedig.
8. Mae hyn yn unol ag Adran 59 y Ddeddf:
 - a. Mae'r Cyngor yn fodlon bod y gweithgareddau canlynol wedi digwydd, neu eu bod yn debygol o ddigwydd, yn y manau cyhoeddus: Trosedd 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 manau cyhoeddus sy'n ffurfio'r Ardaloedd Cyfyngedig:

- i. wedi cael, neu'n debygol o gael, effaith andwyol ar ansawdd bywyd pobl yn yr ardaloedd lleol
- ii. yn neu'n debygol o fod yn gyson neu'n barhaus eu natur ac yn afresymol ac yn cyfiawnhau'r cyfyngiadau a osodir

9. 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 o ran y Gorchymyn hwn, caiff wneud cais i'r Uchel Lys cyn pen chwe wythnos o'r dyddiad y gwneir y Gorchymyn hwn.

10. Bydd y bobl a ddisgrifir yn Atodlen 4 yn cael eu heithrio rhag darpariaethau'r Gorchymyn hwn.

11. 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

Bydd y cyfyngiadau'n berthnasol ar yr adegau canlynol, drwy gydol cyfnod y Gorchymyn:

- **Cyfnod Penodedig 1:** Ar bob adeg
- **Cyfnod Penodedig 2:** Ar bob adeg rhwng 7.30pm a 6.30am o ddydd Llun i ddydd Sul (gan gynnwys y diwrnodau hynny)

Atodlen 2

Mae'r lleoliadau canlynol yn destun y cyfyngiadau yn ystod y cyfnod a nodir yn Atodlen 1, Cyfnod Penodedig 1:

- PEN 02: Lonydd cefn y tu ôl i 2-30 Pen-y-lan Terrace, 4-10 Llwyn-y-grant Road, 1-21 Llwyn-y-grant Terrace a 10-24 Heol Llanedern
- PEN 40: Lonydd cefn y tu ôl i 2-60 Heol Pen-y-lan a 2-62 Heol Marlborough
- PEN 41: Lôn gefn y tu ôl i 64-138 Heol Marlborough, Eglwys y Bedyddwyr Heol Albany a 173-259 Heol Albany
- PEN 42: Lôn gefn y tu ôl i 263-279 Heol Albany a 140-164 Heol Marlborough
- PEN 43: Lôn gefn y tu ôl i 2-26 Sturminster Road, Eglwys Efengylaidd Minster (Sturminster Road) ac 1a-19 Newminster Road
- PEN 44: Lonydd cefn y tu ôl i 2-16 Newminster Road ac i ochr Meddygfa Minster, Minster Road
- PEN 46: Lôn gefn y tu ôl i 2-34 Axminster Road ac 1-23 Sturminster Road, ac i ochr 1 Harlequin Cottages, Minster Road
- PEN 47: Lôn gefn y tu ôl i 2-36 Southminster Road ac 1-35 Axminster Road
- PEN 48: Lôn gefn i ochr 12 Minster Road a'r tu ôl i 12-24 Minster Road

- PEN 49: Lôn gefn y tu ôl i 281-315 Heol Albany, 297-315 Heol Casnewydd ac 1-49 Southminster Road

Atodlen 3

Mae'r lleoliadau canlynol wedi'u hychwanegu at y gorchymyn hwn ac yn destun y cyfyngiadau yn ystod y cyfnod a nodir yn Atodlen 1, Cyfnod Penodedig 1:

- PEN 17: Lôn gefn y tu ôl i 2-42 Mafeking Road, 1-43 Ladysmith Road, 23-43 Kimberley Road
- PEN 45: Lôn gefn y tu ôl i 27-35 Sturminster Road ac i ochr 41 Axminster Road
- PEN 51: Lôn gefn y tu ôl i 423-453 Heol Casnewydd

Mae'r lleoliadau canlynol wedi'u hychwanegu at y gorchymyn hwn ac yn destun y cyfyngiadau yn ystod y cyfnod a nodir yn Atodlen 1, Cyfnod Penodedig 2:

- PEN 50: Lôn gefn y tu ôl i 347-375 Heol Casnewydd ac i ochr 375 a 377 Heol Casnewydd

Atodlen 4

Ni fydd y cyfyngiadau y cyfeirir atynt yn y Gorchymyn hwn yn berthnasol i feddianwyr yr eiddo sydd ger yr Ardaloedd Cyfyngedig perthnasol neu sy'n ffinio â nhw, swyddog y Cyngor, yr Heddlu, na'r Gwasanaethau Tân neu Ambiwlans sydd â rheswm i ddefnyddio'r Ardaloedd Cyfyngedig wrth arfer eu pwerau a'u dyletswyddau statudol nac unrhyw ymgymerydd statudol sydd angen cael mynediad i'w cyfarpar.

Dyddiedig 22 Chwefror, 2023

Cyfeirnod y Sêl: 56061

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

[James Williams]

Llofnodwr awdurdodedig

The County Council of the City and County of Cardiff

Public Spaces Protection Group Extension Order

Penylan Group 1, 2023

The County Council of the City and County of Cardiff in exercise of its powers under sections 59, 60, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 hereby makes the following Order:

1. The Order shall come into operation on **04/03/2023** and shall have effect for a period of 3 years thereafter, unless revoked, amended or extended by further orders under the Council'
2. The effect of this Order is to impose the existing restrictions over the public rights of way during the periods set out in Schedule 1 below (the "Specified Periods")
3. The areas subject to the restrictions of this Order are described in Schedules 2 and 3 below and are shown as shaded areas on the plans attached to this Order ("the Restricted Areas").
4. The Orders in Schedule 3 are consolidated within this Order without any change of substance pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 in so far as they relate to the placing of restrictions over the public right of way within the meaning of sections 59 60, 64 and 72 of the Act.
5. This Order authorises the installation of metal gates at the ends of the Restricted Areas (identified by gate/star symbols on the attached plans), which will give effect to the restrictions.
6. Where a Restricted Area constitutes a through route, the Council is satisfied that a reasonably convenient alternative routes is available to the public.
7. 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 Areas.
8. In accordance with section 59 of the Act:
 - a. The Council is satisfied that the following activities have been or are likely to be carried out in the public spaces: 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 are likely to be carried out in the public spaces that form the Restricted Areas;-
 - i. have had or are likely to have a detrimental effect on the quality of life of those in the localities
 - ii. are or are likely to be persistent or continuing in nature and to be unreasonable and justify the restrictions imposed
9. 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.

10. Those persons described in Schedule 4 shall be exempt from the provisions of this Order.
11. 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

Restrictions will apply at the following times, for the duration of the Order:

- **Specified Period 1:** At all times
- **Specified Period 2:** At times between the hours of: 7.30pm to 6.30am Monday to Sunday (inclusive)

Schedule 2

The following locations are subject to restrictions during the period set out in Schedule1, Specified Period 1:

• PEN 02: Alleyways to the rears of 2-30 Pen-Y-Lan Terrace, 4-10 Llwyn-Y-Grant Road, 1-21 Llwyn-Y-Grant Terrace and 10-24 Llanedeyrn Road
• PEN 40: Alleyways to the rears of 2-60 Pen-Y-Lan Road and 2-62 Marlborough Road
• PEN 41: Alleyway to the rears of 64-138 Marlborough Road, Albany Road Baptist Church and 173-259 Albany Road
• PEN 42: Alleyway to the rears of 263-279 Albany Road and 140-164 Marlborough Road
• PEN 43: Alleyway to the rears of 2-26 Sturminster Road, Minster Evangelical Church (Sturminster Road) and 1a-19 Newminster Road
• PEN 44: Alleyways to the rear of 2-16 Newminster Road and to the side of Minster Surgery, Minster Road
• PEN 46: Alleyway to the rear of 2-34 Axminster Road and 1-23 Sturminster Road, and to the side of 1 Harlequin Cottages, Minster Road
• PEN 47: Alleyway to the rear of 2-36 Southminster Road and 1-35 Axminster Road
• PEN 48: Alleyway to the side of 12 Minster Road and to the rear of 12-24 Minster Road
• PEN 49: Alleyway to the rear of 281-315 Albany Road, 297-315 Newport Road and 1-49 Southminster Road

Schedule 3

The following locations have been added to this order and are subject to restrictions during the period as set out in Schedule1, Specified Period 1:

• PEN 17: Alleyway to rear of 2-42 Mafeking Road, 1-43 Ladysmith Road, 23-43 Kimberley Road
• PEN 45: Alleyway to rear of 27-35 Sturminster Road and to the side of 41 Axminster Road
• PEN 51: Alleyway to rear of 423-453 Newport Road

The following locations have been added to this order and are subject to restrictions during the period as set out in Schedule1, Specified Period 2:

- PEN 50: Alleyway to rear of 347-375 Newport Road and to the side of 375 and 377 Newport Road

Schedule 4

The restrictions referred to in this Order shall not apply to the occupiers of premises adjoining or adjacent to the relevant Restricted Areas, an officer of the Council, the Police, and Fire or Ambulance Services who have cause to use the Restricted Areas in the performance of their statutory powers and duties and any statutory undertaker requiring access to their apparatus.

Dated this 22nd day of February, 2023

Seal Reference Number: 56061

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

[James Williams]

Authorised signatory

Plan(s) illustrating the Restricted Areas subject to this Order

Cynllun(iau) yn dangos yr Ardaloedd Cyfyngedig sy'n destun y Gorchymyn hwn

