

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTIONS 59 and
64**

RESTRICTED ACCESS

PUBLIC SPACES PROTECTION ORDER No 3 of 2021

This Order may be cited as the Merthyr Tydfil County Borough Council (Restricted Access) Public Spaces Protection Order No.3 2021

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL ("the Council") hereby makes this Public Spaces Protection Order ("the Order") in exercise of its powers under Sections 59 and 64 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers to reduce crime and anti-social behaviour taking place on, or facilitated by the existence of the public highway, namely the lane to the rear of Lower Thomas Street and Union Street (Somerset Place) in Merthyr Tydfil.

BY THIS ORDER:

1. The highway more particularly described as the lane to the rear of Lower Thomas Street and Union Street (Somerset Place) in Merthyr Tydfil ("the Highway") marked red on the attached Plan and being a public space within the Council's area to which the Act applies, will be restricted at all times for all classes of user other than those users specifically exempted by section 64(4) of the Act and/or article 6 of this Order, by the erection of barriers or gates shown marked in blue on the attached Plan.
2. The Council is satisfied that:
 - a. Premises adjoining or adjacent to the highway have been affected or are likely to be affected by crime or anti-social behaviour which is detrimental to the quality of life of the local community;
 - b. The effect, or likely effect, of the crime and anti-social behaviour is, or is likely to be, persistent or continuing in nature;
 - c. The crime and anti-social behaviour is unreasonable and justifies the restrictions imposed by this Order;
 - d. It is in all circumstances expedient to make the Order for the purposes of reducing crime and anti-social behaviour.
 - e. There are reasonably available alternative routes via Lower Thomas Street and Somerset Place.
3. The person responsible for the erecting and maintain of the gates or barrier is the Council whose address is The Civic Centre, Castle Street, Merthyr Tydfil CF47 BAN.
4. Any person using the gate to gain access to or from the Highway referred to in article 1 shall ensure that the gates are closed and locked immediately after they are used.

5. This Order shall come into operation on the 26th March 2021 and shall have effect for a period of 3 years thereafter, unless extended or revoked by further Orders under the Council's statutory powers.

EXEMPTIONS

6. Nothing in this Order shall apply to:
- a. Police, Fire, Ambulance or other emergency services;
 - b. Statutory Undertakers with equipment situated under, over or along the Highway;
 - c. Any owner or occupier of any premises adjoining or adjacent to the Highway.


All of whom shall be provided with a key or keypad number (if appropriate) to operate the barrier or gate.

PENALTIES

7. A person shall be guilty of an offence liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (currently £1000) if he or she fails to comply with a requirement of this Order.

APPEALS

8. Any challenge to this Order must be made to the High Court by an "interested person" within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the area affected by the Order. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Council. Interested parties can challenge the validity of this Order on two grounds; either that the Council did not have the power to make the Order, or the power to include particular prohibitions or requirements; or, that a requirement of the legislation was not complied with in relation to the Order.

Dated the 26th day of Feb  2021

The Common Seal of
Merthyr Tydfil County
Borough Council was
Hereto affixed in the
Presence of


Authorised Officer



5846/2021

Plan

PSPO No 3 2021

Lane to the rear of Lower Thomas Street and Union Street (Somerset Place)





5846/2021

**DEDDF YMDDYGIAO GWRTHGYMOEITHASOL, TROSEOUU A PHLISMONA
2014**

ADRANNAU 59 a 64

MYNEDIAO CYFYNGEDIG

GORCHYMYN DIOGELU MANNAU AGORED CYHOEDDUS Rhif 3 o 2021

Gellir dyfynnu'r Gorchymyn hwn fel Gorchymyn Diogelu Mannau Agored Cyhoeddus (Mynediad Cyfyngedig) Cyngor Bwrdeistref Sirol Merthyr Tudful Rhif 3 2021

Mae CYNGOR BWRDEISTREF SIROL MERTHYR TUDFUL ("y Cyngor") gyda hyn yn gwneud y Gorchymyn Diogelu Mannau Agored Cyhoeddus hwn ("y Gorchymyn") wrth ymarfer ei bwerau o dan Adrannau 59 a 64 Deddf Ymddygiad Gwrthgymdeithasol, Troseddau a Phlisma 2014 ("y Ddeddf") a'r holl bwerau galluogi eraill i leihau trosedd ac ymddygiad gwrthgymdeithasol i ddigwydd ar, neu a hwyluswyd gan fodolaeth y briffordd gyhoeddus, sef y lon sydd gyfagos ag adeiladau preswyl Stryd Thomas Isaf a Stryd yr Undeb (Maes Gwlad yr Haf) ym Merthyr Tudful.

DRWY'R GORCHYMYN HWN:

1. Bydd y briffordd a ddisgrifir yn fwy penodol fel y lon y tu cefn i Stryd Thomas Isaf a Stryd yr Undeb (Maes Gwlad yr Haf) ym Merthyr Tudful ("y Briffordd") a nadir yn gach ar y Cynllun atodedig, sef man agored cyhoeddus oddi fewn i ardal y Cyngor y mae'r Ddeddf yn gymwys iddi, yn cael ei chyfyngu ar bob adeg i bob dosbarth o ddefnyddiwr ac eithrio'r defnyddwyr hynny sy'n benodol wedi eu heithrio gan adran 64(4) y Ddeddf a/neu erthygl 6 y Gorchymyn hwn, drwy godi gatiâu a ddangosir mewn glas ar y Cynllun atodedig.
2. Mae'r Cyngor yn fodlon bod:
 - a. Adeiladau sy'n ffinio neu'n gyfagos a'r briffordd wedi cael eu heffeithio neu yn debygal o gael eu heffeithio gan drosedd neu ymddygiad gwrthgymdeithasol sydd yn niweidiol i ansawdd bywyd y gymuned leol;
 - b. Mae effaith, neu effaith debygol y drosedd ac ymddygiad gwrthgymdeithasal yn, neu'n debygal a fad yn barhaus neu'n barhaol ei natur;
 - c. Mae'r drosedd ac ymddygiad gwrthgymdeithasal yn afresymol ac yn cyfiawnhau'r cyfyngiadau a asadwyd gan y Gorchymyn hwn;
 - d. Y mae'n gyfleus yn yr hall amgylchiadau i wneud y Gorchymyn at ddibenion lleihau trosedd ac ymddygiad gwrthgymdeithasol.
 - e. Mae llwybrau amgen rhesymol ar gael drwy Stryd Thomas Isaf a Maes Gwlad yr Haf.
3. Y person sy'n gyfrifol am godi a chynnal y gatiâu neu rwystr yw'r Cyngor sef Y Ganolfan Ddinesig, Stryd y Castell, Merthyr Tudful CF47 BAN.

4. Bydd unrhyw berson sy'n defnyddio'r giat i gael mynediad i neu o'r Briffordd y cyfeirir ato yn erthygl 1 yn sicrhau fod y gatiâu ar gau ac yn cael eu cloi yn syth ar 61 iddynt gael eu defnyddio.
5. Bydd y Gorchymyn hwn yn cael ei weithredu o 26 Mawrth 2021 a bydd mewn grym am gyfnod o 3 blynedd ar 61 hynny, oni bai y caiff ei estyn neu ddiddymu gan Orchmynion pellach o dan bwerau statudol y Cyngor.

EITHRIADAU

6. Ni fydd unrhyw beth yn y Gorchymyn hwn yn gymwys i:
 - a. Yr Heddlu, Tan, Ambiwylans neu wasanaethau brys eraill;
 - b. Ymgymerywyr Statudol gydag offer wedi ei leoli o dan, dros neu ar hyd y Briffordd;
 - c. Unrhyw berchennog ar neu breswylwr o unrhyw adeilad sy'n ffinio neu'n gyfagos a'r Briffordd.


Byddant oll yn derbyn allwedd neu allweddell rhif (os yw'n briodol) i weithredu'r rhwystr neu'r giat.

COSBAU

7. Bydd person yn euog o drosedd sy'n rhwymedig i euogfarn ddiannod sef diryw nad yw'n fwy na lefel 3 ar y Raddfa Safonol (£100 ar hyn o bryd) os yw ef neu hi'n methu a chydymffurfio gyda gofyniad y Gorchymyn hwn.

APELIADAU

8. Rhaid i unrhyw her i'r Gorchymyn hwn gael ei wneud i'r Uchel Lys gan "berson a diddordeb" o fewn chwech wythnos ar 61 iddo gael ei wneud. Mae person a diddordeb yn rhywun sy'n byw mewn, yn gweithio'n rheolaidd yn, neu'n ymweld a'r ardal sydd wedi cael ei effeithio gan y Gorchymyn. Mae hyn yn golygu mai dim ond y rheini sy'n cael eu heffeithio'n uniongyrchol gan y cyfyngiadau sydd a'r pŵer i'w herio. Mae'r hawl i herio hefyd yn bodoli pan gaiff Gorchymyn ei amrywio gan y Cyngor. Gall partfon a diddordeb herio dilysrwydd y Gorchymyn, neu'r pŵer i gynnwys gwaharddiadau neu ofynion penodol; neu, nad oedd cydymffurfio i ofyniad o'r ddeddfwriaeth mewn perthynas a'r Gorchymyn.

Dyddiedig ar y **J.II'** dydd o **JiS**  2021

Cafodd Sel Gyffredin
Cyngor Bwrdeistref Sirol
Merthyr Tudful ei



Hatodi yma ym
Mhresenoldeb

A handwritten signature in black ink, appearing to be 'R. A. Jones', written over a horizontal line.

Swyddog Awdurdodedig

Plan

PSPO No 3 2021

Lane to the rear of Lower Thomas Street and Union Street (Somerset Place)



5846/2021