ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTIONS 59 and 64

RESTRICTED ACCESS

PUBLIC SPACES PROTECTION ORDER No 1 of 2021

This Order may be cited as the Merthyr Tydfil County Borough Council (Restricted Access) Public Spaces Protection Order No.1 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 adjacent to residential premises at Upper Thomas Street in Merthyr Tydfil.

BY THIS ORDER:

1. The highway more particularly described as the lane adjacent to residential premises at Upper Thomas Street 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.

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 2..4\t dayof **feb** 2021

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

Authorised Officer

5844/2021

Vulcan Inn (PH)
PH
SIDE NORTH
Tramroad Terrace
ROBERTS LANE
Hope Chapel
LB TCB
STREET
UNION
UPPER THOMAS STREET
FS
PW
185.6m
178.6m
SWP Mapping (TESTING ONLY) v1.0 | Contains Ordnance Survey data © Crown copyright and database r
Latitude 51
Locate
Easting
Northing
Locate
what3words robe task slave
Locate

5844/2021

DEDDF YMDDYGIAD GWRTHGYMDEITHASOL, TROSEDDU A PHLISMONA 2014

ADRANNAU 59 a 64

MYNEDIAD CYFYNGEDIG

GORCHYMYN DIOGELU MANNAU AGORED CYHOEDDUS Rhif 1 o 2021

Gellir dyfynnu'r Gorchymyn hwn fel Gorchymyn Diogelu Mannau Agored Cyhoeddus (Mynediad Cyfyngedig) Cyngor Bwrdeistref Sirol Merthyr Tudful Rhif 1 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, Troseddu a Phlismona 2014 ("y Ddeddf') a'r hall bwerau galluogi eraill i leihau trosedd ac ymddygiad gwrthgymdeithasol i ddigwydd ar, neu a hwyluswyd gan fodolaeth y briffordd gyhoeddus, sef y Ion sydd gyfagos ag adeiladau preswyl Stryd Thomas Uchaf, Merthyr Tudful.

DRWY'R GORCHYMYN HWN:

1. Bydd y briffordd a ddisgrifir yn fwy penodol fel y Ion sydd gyfagos ag adeiladau preswyl yn Stryd Thomas Uchaf ym Merthyr Tudful ("y Briffordd") a nadir yn goch 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 gatiau 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 debygol 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 gwrthgymdeithasol yn, neu'n debygol o fad yn barhaus neu'n barhaol ei natur;
   c. Mae'r drosedd ac ymddygiad gwrthgymdeithasol yn afresymol ac yn cyfiawnhau'r cyfyngiadau a osodwyd gan y Gorchymyn hwn;
   d. Y mae'n gyfleus yn yr hall amgylchiadau i wneud y Gorchymyn at ddibenion lleihau trosedd ac ymddygiad gwrthgymdeithasol.

3. Y person sy'n gyfrifol am godi a chynnal y gatiau 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 Brifforddd y cyfeirir ato yn erthygl 1 yn sicrhau fod y gatiau 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, Ambiwlans neu wasanaethau brys eraill;
   b. Ymgymerwyr Statudol gydag offer wedi ei leoli o dan, dros neu ar hyd y Briffordd;
   c. Unrhyw berchennog ar neu breswyliwr 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) as yw ef neu hl'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 pwer 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 pwer i gynnwys gwaharddiadau neu ofynion penodol; neu, nad oedd cydymffurfio i ofyniad o'r ddeddfwriaeth mewn perthynas a'r Gorchymyn.

Dyddiedig ar y **2..4-IY** dydd o **t"\.LJIA.j** 2021

Cafodd Sel Gyffredin
Cyngor Bwrdeistref Sirol
Merthyr Tudful ei
Hatodi yma ym
Mhresenoldeb

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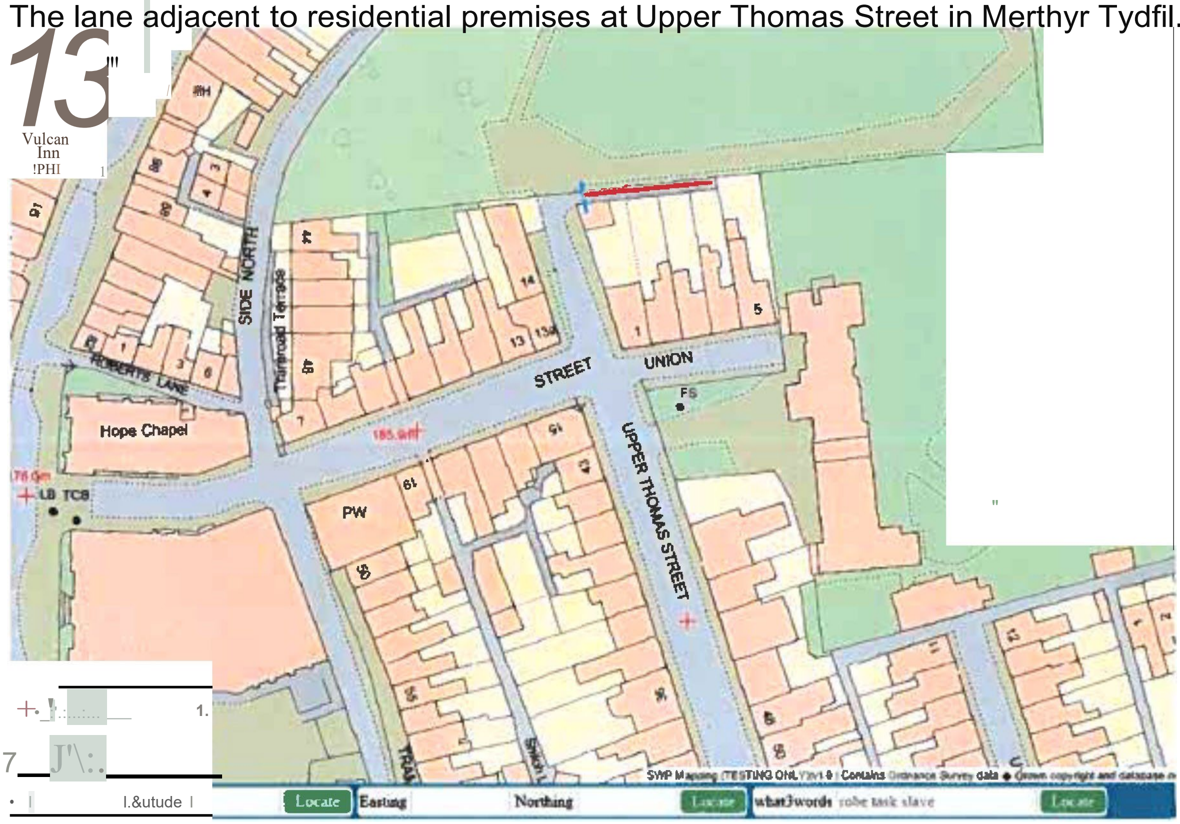
Plan

PSPO No 1 2021

The lane adjacent to residential premises at Upper Thomas Street in Merthyr Tydfil.



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