MINUTES OF THE MEETING OF THE COUNCIL HELD ON MONDAY, 20 JANUARY AT 6 PM

PRESENT: The Mayor (Councillor Wilkinson) together with Councillors Aviet, Bailey, Brooks, Charles, Clarke, Collins, Drake, Hawkins, N Hodges, S Hodges, Hooper, Johnson, Lloyd-Selby, Nugent-Finn, Payne, Perkes, Richardson, Rowlands and Wright.

ALSO PRESENT:			
	Emily Forbes		Chief Officer (Town Clerk)
	Mark Sims	-	Deputy Chief Officer
	Rhian Burns	-	Administrator
	Michael Lindsay	-	Solicitor (representing Barry Town Council)
	Tim Martin	-	Representative of JD Wetherspoon

678. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Collins and Hampton.

679. **TO RECEIVE DECLARATIONS OF INTEREST UNDER THE COUNCIL'S CODE OF CONDUCT NOTING THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) (WALES) ORDER 2008 AND THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) (WALES) (AMENDMENT) ORDER 2016 ADOPTED BY COUNCIL ON 16 MAY 2017 (PAGE 16 PART 3)**

None were received.

680. **TO APPROVE AND SIGN THE MINUTES OF THE MEETING OF FULL COUNCIL HELD ON 2 DECEMBER 2019**

RESOLVED: That the minutes of the meeting of Full Council held on 2 December 2019 are approved and signed as a correct record.

681. **EXCLUSION OF THE PRESS & PUBLIC**

RESOLVED that in accordance with section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

Tim Martin joined the meeting.

682. **TO DISCUSS THE USE OF THE BARRY TOWN CREST ON A CARPET AT THE SIR SAMUEL ROMILLY, BARRY WITH INVITED REPRESENTATIVES FROM JD WETHERSPOON**

The Mayor opened the meeting with the following statement;

“On 12 July 2019 Barry Town Council received a letter from the architects responsible for the installation of the carpet bearing the Barry Town Council Armorial Bearings (Coat of Arms) at The Sir Samuel Romilly, Barry (local Wetherspoons). The letter requested retrospective permission for use of the Council’s Coat of Arms on a carpet, which had already been laid.

There had been no earlier request even though a request ought to have been made before plans were made.

A request to use the Council’s Coat of Arms must be made in writing to the Finance, Policy and General Purposes Committee (which has delegated powers) or to Full Council, whichever meets sooner to deal with the request.

A number of community groups and not for profit organisations have been granted permission to use the Crest in controlled contexts, for example, the town’s football club and rugby club; however, this is not giving permission to ‘bear’ the Council’s Arms, or to endorse a particular product, but it shows a link between the Council and the community it serves and fosters a positive relationship with the community and voluntary / third sector organisations.

At a meeting of Barry Town Council on 22 July 2019, Members were informed of the installation of the carpet. A detailed discussion took place where Members unanimously agreed that the use of the Council’s Coat of Arms could imply endorsement of a commercial business. Members felt that placing the Coat of Arms on the floor with furniture placed on top of it was disrespectful of the Coat of Arms. It was noted that had a request been made through the proper channel, Council would have refused permission because of:-

- the commercial nature of the company requesting use, it being a licensed premises;
- a misalignment of values with the company’s brand;
- a lack of local community benefits for Barry and
- a lack of respect for the Coat of Arms.

It was also felt that J.D. Wetherspoon had made no attempt previously to create a relationship with the Town or the Town Council beyond being a local commercial enterprise.

The Council therefore RESOLVED on the 22 July 2019:

- That Barry Town Council refuses the request to use the Barry Town Council Armorial Bearings (Coat of Arms) on the carpet of the Sir Samuel Romilly, Barry.

- That the Chief Officer responds to the request from the architects, informing them of Council's decision and requesting they remove the carpet as soon as practicably possible.

- That the Chief Officer seek legal advice on what recourse can be taken should J.D. Wetherspoon refuse to remove the carpet.

Since making this known, Wetherspoon's has requested the opportunity to make face to face representation to the Council hence why we are meeting tonight at this Extraordinary meeting of Council.

Councillors are here in attendance as well as officers and our solicitor, Mr Michael Lindsey.

Welcome to the meeting Mr. Martin.

In terms of how the meeting will proceed, you will have the opportunity to address Council, via myself, and stand whilst talking please.

I will facilitate questions and answers form Councillors – Group Leaders will be addressing you to ask questions, not councillors individually. It should be noted that no one individual councillor may speak on behalf of the Council or make a Council resolution.

Following this session, you will be asked to leave the Council Chamber whilst Council consider and discuss its thoughts and then you will be invited back in."

Tim Martin noted that he had been unaware he would be asked to make a statement to Council. He advised Members he had attended the meeting as he understood Council had requested he attend. He noted that he felt the situation with the use of the Crest had gotten out of hand and it had become difficult for either party to retreat.

Tim Martin advised that as a company JD Wetherspoon aimed to build pubs with links to the local community and the individual design and décor of each establishment reflected this. He added that it was JD Wetherspoon's intention to reflect the history of the local community through the refurbishment of significant buildings and the display of local history on the walls.

Tim Martin informed Members that 55 people were employed in the Sir Samuel Romilly pub in Barry. He noted that there had been statements made by a Councillor in the press regarding JD Wetherspoon's employment practices. Tim Martin advised Members that these statements were not true and that JD Wetherspoon awarded bonuses to their staff which amounted to 50% of the company's profits.

He noted that there had not been a situation this extreme in JD Wetherspoon's history and felt that it was important to reach a resolution.

Tim Martin added that he felt there was tremendous public support for the pub and the carpet remaining in situ. He thanked Members for asking him to attend the meeting.

The Leader noted that Members believed that JD Wetherspoon had requested the opportunity to discuss options to allow a resolution be found to the dispute and were hoping to reach a mutually satisfactory outcome during the meeting.

Councillor S Hodges echoed Councillor Brooks' comments and queried what a resolution to the dispute could be from Tim Martin's perspective.

Councillor Bailey queried whether there had been any previous similar situations at other JD Wetherspoon establishments. He also queried how Tim Martin thought the situation could be moved forward.

Tim Martin noted that there had been objections raised against some JD Wetherspoon pubs when they were less well known as a company but that there had been no issues in recent years.

The Chief Officer noted that she and Michael Lindsay (Council's solicitor) had met with JD Wetherspoon's representative to discuss how the situation could be moved forward where a number of possible solutions were discussed. She also reiterated Council's resolution that permission had been refused to use the Barry Town Crest and the request that the carpet should be removed. She noted that the purpose of the Extraordinary meeting of Full Council was to discuss a potential settlement to the dispute.

Tim Martin advised that there had been a misunderstanding on his part regarding the purpose of the meeting as he had not been aware a potential resolution was to be discussed and had not prepared any options to present to Council.

He noted that he felt it was not necessary to get into an argument over a small area of carpet. He further noted that he felt that the public's perception was that Council were being too extreme in requesting a specially designed carpet be removed. He added that he would be happy for the carpet to be replaced with an alternative when it had reached the end of its life.

He noted that JD Wetherspoon had been heavily criticised by a Councillor in the press. He added that he would need to think on how a resolution could be reached and that he felt it would be a waste of time and money to go down the route of legal action.

The Leader noted that the Council were keen to resolve the matter and asked what timescale would be realistic for Tim Martin to supply options on a possible way forward. Tim Martin suggested a timescale of three weeks for a response.

The Chief Officer queried whether Tim Martin had heard the options JD Wetherspoon's solicitor had discussed with herself and Michael Lindsay during their meeting and what his thoughts were? Tim Martin responded that he had not heard these options and had not discussed them with his legal team; rather he was told that Council had wanted to talk to him, hence his attendance at the meeting.

The Mayor noted that the next meeting of Full Council was scheduled in three weeks' time on Monday 10 February 2020 and queried whether Tim Martin would be able to supply options for discussion at this meeting. Tim Martin responded that he would try to meet this timescale but would inform the Chief Officer if he was not able to do so.

Councillor S Hodges noted that it was unfortunate that discussions could not progress any further.

Tim Martin left the meeting.

Councillor S Hodges noted that it was not possible for any discussion to take place as no options had been presented. She proposed Group Leaders be involved with any future negotiations with a final decision coming back to a meeting of Full Council.

Councillor Brooks agreed with Councillor S Hodges suggestion, adding that she was disappointed with the outcome of the meeting.

Michael Lindsay noted that it may be useful to write to JD Wetherspoon to make it clear that Barry Town Council still considered the removal of the carpet as an option and that there were a number of options available to proceed down this route. He advised that he did feel it was not in either party's best interest to enter into a legal dispute and it would be best to find a mutually acceptable solution, however, the legal positioning should be made known.

Councillor Lloyd-Selby noted that she felt it was important to be careful in terms of public perception. She also felt that it would be useful to write directly to Tim Martin to remind him of the Council's resolution and that they wished to move forward constructively with this matter.

The Chief Officer noted that the tone of the meeting had been very different from that which was held with the JD Wetherspoon solicitor and was rather bemusing.

Councillor Bailey noted that he felt the meeting had been fairly positive in tone. He added that he felt legal action should be dismissed due to

the cost implications. He added that he felt steps should be taken to ensure the Crest was trademarked/copyrighted going forwards in order that this situation could not arise in the future.

He noted that whilst he agreed with the initial point of principle of refusing permission for the use of the Crest that due to the amount of resources required to pursue the matter he was hopeful that Tim Martin would respond with some possible options. He also felt that the public would thank the Council for reaching an agreement with JD Wetherspoon without going through a legal dispute.

Councillor Hooper noted that the Council had agreed unanimously that there was a misalignment with the employment values of JD Wetherspoon and Barry Town Council and felt that this decision should be stuck to. He noted that whilst he felt it was positive that Tim Martin had attended the meeting, Members should remember that he was working for financial gain and not for the good of the local community. He added that Tim Martin would not tolerate the use of the JD Wetherspoon branding or logo by another entity and that options to force JD Wetherspoon to remove the carpet should be further explored.

Councillor Richardson echoed concerns regarding the lack of a resolution. She noted that there had also been positive comments from the public regarding the Councils stance on the matter.

Councillor Bailey noted that whilst JD Wetherspoons values had been raised as an issue it was as part of the discussion and it was possible that individual Councillors had come to the decision to refuse permission for use of the Crest due to other issues raised. He further noted that he was happy to state that he had changed his mind on this aspect of the discussion. He also noted that as Barry Town Council did not hold the trademark/copyright to the crest it was limited in what action could be taken, particularly in this instance where there was such a large mismatch in funds available to the two parties.

Councillor S Hodges felt that it would be useful for the Chief Officer to draft a statement for the press should it be required.

Councillor Johnson noted that he felt the discussion had not moved forward and that Tim Martin had failed to give a response when asked directly what he saw as a possible solution to the situation.

RESOLVED:

1. **That Council waits until 10 February 2020 for a response from JD Wetherspoon outlining options for a resolution to the dispute.**

2. **That if a response is sent prior to this date, Group Leaders meet to discuss the options.**

3. **That Barry Town Council's solicitor be instructed to draft a letter to Tim Martin outlining the avenues that could be pursued to force the removal of the carpet.**

4. **That the Chief Officer liaises with Group Leaders, the Council's solicitor and the JD Wetherspoon's solicitor if possible solutions to the dispute are put forward.**

5. **That the Chief Officer drafts a statement for the press should it be required.**

The meeting closed at 6.55 pm.

Signed ……..

Dated ……..
(Town Mayor)

COFNODION CYFARFOD Y CYNGOR A GYNHALIWYD AR NOS LUN, 20 IONAWR AM 6 PM

PRESENNOL: Y Maer (Cynghorydd Wilkinson) ynghyd â'r Cynghorwyr Aviet, Bailey, Brooks, Charles, Clarke, Collins, Drake, Hawkins, N Hodges, S Hodges, Hooper, Johnson, Lloyd-Selby, Nugent-Finn, Payne, Perkes, Richardson, Rowlands a Wright.

HEFYD YN BRESENNOL:

Emily Forbes		Prif Swyddog (Clerc y Dref)
Mark Sims	-	Dirprwy Brif Swyddog
Rhian Burns	-	Gweinyddydd
Michael Lindsay	-	Cyfreithiwr (yn cynrychioli Cyngor Tref Y Barri)
Tim Martin	-	Cynrychiolydd JD Wetherspoon

678. **YMDDIHEURIADAU AM ABSENOLDEB**

Derbyniwyd ymddiheuriadau oddi wrth y Cynghorwyr Collins a Hampton.

679. **DERBYN DATGANIADAU O FUDDIANNAU O DAN GOD YMDDYGIAD Y CYNGOR GAN NODI GORCHYMYN AWDURDODAU LLEOL (MODEL GOD YMDDYGIAD) (CYMRU) 2008 A GORCHYMYN AWDURDODAU LLEOL (MODEL GOD YMDDYGIAD) (CYMRU) (DIWYGIAD) 2016 A FABWYSIADWYD GAN Y CYNGOR AR 16 MAI 2017 (TUDALEN 16 RHAN 3)**

Ni chafwyd unrhyw ddatganiadau o fuddiant.

680. **CYMERADWYO A LLOFNODI COFNODION CYFARFOD Y CYNGOR LLAWN A GYNHALIWYD AR 2 RHAGFYR 2019**

PENDERFYNWYD: Y dylid cymeradwyo a llofnodi'n gywir gofnodion cyfarfod y Cyngor Llawn a gynhaliwyd ar 2 Rhagfyr 2019.

681. **EITHRIO'R WASG & CYHOEDD**

PENDERFYNWYD yn unol ag adran 1(2) Deddf Cyrff Cyhoeddus (Mynediad i Gyfarfodydd) 1960, ac oherwydd natur gyfrinachol y materion sydd ar fin cael eu trafod, ei bod yn well er lles y cyhoedd fod y wasg a'r cyhoedd yn cael eu heithrio o weddill y cyfarfod.

Ymunodd Tim Martin â'r cyfarfod.

682. **TRAFOD Y DEFNYDD O ARFBAIS TREF Y BARRI AR GARPED YN Y SIR SAMUEL ROMILLY, Y BARRI GYDA CHYNRYCHIOLWYR A WAHODDWYD O JD WETHERSPOON**

Agorodd y Maer y cyfarfod gyda'r datganiad canlynol;

"Ar 12 Gorffennaf 2019 derbyniodd Cyngor Tref Y Barri lythyr oddi wrth y penseiri oedd yn gyfrifol am osod y carped yn cynnwys Arfbais Cyngor Tref Y Barri yn y Sir Samuel Romilly, Y Barri (Wetherspoons lleol). Roedd y llythyr yn gofyn am ganiatâd ôl-weithredol i ddefnyddio Arfbais y Cyngor ar garped oedd eisoes wedi cael ei osod.

Ni wnaed unrhyw gais blaenorol er y dylid fod wedi cyflwyno cais cyn i gynlluniau gael eu gwneud.

Rhaid gwneud cais ysgrifenedig i ddefnyddio Arfbais y Cyngor i'r Pwyllgor Cyllid, Polisi a Dibenion Cyffredinol (sy'n meddu ar rymoedd dirprwyedig) neu i'r Cyngor Llawn, pa un bynnag sy'n cyfarfod gyntaf, i ddelio â'r cais.

Rhoddwyd caniatâd i nifer o grwpiau cymunedol a mudiadau nid er mwyn elw i ddefnyddio'r Arfbais mewn cyd-destunau penodedig megis, er enghraifft, clwb pêl droed a chlwb rygbi'r dref; fodd bynnag, nid yw hynny'n golygu caniatâd i 'ddwyn' Arfbais y Cyngor, nac i gymeradwyo cynnyrch penodol, ond mae'n dangos cyswllt rhwng y Cyngor a'r gymuned mae'n ei gwasanaethu ac yn meithrin perthynas gadarnhaol gyda'r gymuned a chyda mudiadau gwirfoddol / trydydd sector.

Mewn cyfarfod o Gyngor Tref Y Barri ar 22 Gorffennaf 2019, cafodd Aelodau wybod fod y carped wedi cael ei osod. Cafwyd trafodaeth fanwl a chytunodd Aelodau yn unfrydol y gallai defnyddio Arfbais y Cyngor awgrymu cefnogaeth i fusnes masnachol. Roedd Aelodau'n teimlo fod rhoi'r Arfbais ar y llawr gyda chelfi yn cael eu rhoi ar ei ben yn amharchus i'r Arfbais. Fe nodwyd, pe bai cais wedi cael ei wneud yn y modd priodol, y byddai'r Cyngor wedi gwrthod caniatâd oherwydd:-

- natur fasnachol y cwmni oedd yn gwneud y cais, sef mangre drwyddedig;
- anghydnawsedd gwerthoedd gyda brand y cwmni;
- diffyg buddion cymunedol i'r Barri a
- diffyg parch i'r Arfbais.

Teimlwyd hefyd nad oedd J.D. Wetherspoon wedi gwneud unrhyw ymdrech yn y gorffennol i greu perthynas gyda'r dref neu'r Cyngor Tref ac eithrio eu bod yn fenter fasnachol leol.

Felly, PENDERFYNODD y Cyngor ar 22 Gorffennaf 2019:

- Fod Cyngor Tref Y Barri yn gwrthod y cais i ddefnyddio Arfbais Cyngor Tref Y Barri ar garped y Sir Samuel Romilly, Y Barri.

- Y byddai'r Prif Swyddog yn ymateb i'r cais gan y penseiri, gan roi gwybod iddynt beth yw penderfyniad y Cyngor ac yn gofyn

iddynt symud y carped cyn gynted ag y bo hynny'n ymarferol bosib.

- Y dylai'r Prif Swyddog geisio cyngor cyfreithiol ar ba gamau ddylid eu cymryd pe bai J.D. Wetherspoon yn gwrthod symud y carped.

Ers cael gwybod hyn, mae Wetherspoon wedi gofyn am y cyfle i gyflwyno sylwadau wyneb yn wyneb i'r Cyngor, a dyna felly pam rydym yn cyfarfod heno yn y cyfarfod Arbennig hwn o'r Cyngor.

Mae Cynghorwyr yma'n bresennol yn ogystal â swyddogion a'n cyfreithiwr, Mr Michael Lindsay.

Croeso i'r cyfarfod Mr. Martin.

O ran trefn y cyfarfod, fe gewch y cyfle i annerch y Cyngor, trwyddo fi, a gofynnir ichi sefyll tra'ch bod yn siarad.

Byddaf yn hwyluso cwestiynau ac atebion gan Gynghorwyr – bydd Arweinyddion Grwpiau yn eich annerch i ofyn cwestiynau, yn hytrach na chynghorwyr unigol. Dylid nodi na all unrhyw gynghorydd unigol siarad ar ran y Cyngor na gwneud penderfyniad ar ran y Cyngor.

Yn dilyn y sesiwn hon, gofynnir ichi adael Siambr y Cyngor tra bod y Cyngor yn ystyried a thrafod, ac yna cewch eich gwahodd yn ôl i mewn."

Dywedodd Tim Martin nad oedd yn sylweddoli y byddai'n cael cais i wneud datganiad i'r Cyngor. Dywedodd wrth yr Aelodau ei fod wedi mynychu'r cyfarfod gan ei fod yn deall fod y Cyngor wedi gofyn iddo wneud hynny. Dywedodd fod y sefyllfa o ran defnyddio'r Arfbais wedi mynd yn anniben ac yr aeth yn anodd i'r naill barti a'r llall ildio.

Dywedodd Tim Martin fod cwmni JD Wetherspoon yn ceisio adeiladu tafarnau a chanddynt gyswllt â'r gymuned leol ac roedd cynllun ac addurnwaith pob tafarn yn adlewyrchu hyn. Ychwanegodd mai bwriad JD Wetherspoon oedd adlewyrchu hanes y gymuned leol trwy adnewyddu adeiladau o bwys ac arddangos hanes lleol ar y waliau.

Dywedodd Tim Martin wrth yr Aelodau y cyflogir 55 o bobl yn nhafarn y Sir Samuel Romilly yn Y Barri. Dywedodd fod cynghorydd wedi gwneud datganiadau yn y wasg ynghylch arferion cyflogi JD Wetherspoon. Dywedodd Tim Martin wrth yr Aelodau nad oedd y datganiadau hyn yn wir, a bod JD Wetherspoon yn gwneud taliadau bonws i'w staff oedd gyfwerth â 50% o elw'r cwmni.

Dywedodd na chafwyd sefyllfa mor eithafol â hon yn hanes JD Wetherspoon a'i fod yn teimlo ei bod yn bwysig cael datrysiad.

Ychwanegodd Tim Martin ei fod yn teimlo fod llawer iawn o gefnogaeth gyhoeddus i'r dafarn ac o blaid caniatáu i'r carped aros lle y mae. Diolchodd i'r Aelodau am ofyn iddo fynychu'r cyfarfod.

Dywedodd yr Arweinydd fod yr Aelodau'n credu fod JD Wetherspoon wedi gofyn am y cyfle i drafod dewisiadau er mwyn ceisio dod o hyd i ateb i'r anghydfod, a'u bod yn gobeithio y gellid cyrraedd canlyniad fyddai'n dderbyniol i bawb yn ystod y cyfarfod.

Adleisiodd y Cynghorydd S Hodges sylwadau'r Cynghorydd Brooks, a gofynnodd sut ym marn Tim Martin y gellid datrys y sefyllfa.

Holodd y Cynghorydd Bailey a gafwyd unrhyw sefyllfaoedd tebyg yn unrhyw un o dafarnau eraill JD Wetherspoon. Gofynnodd hefyd sut roedd Tim Martin yn credu y gellid symud y sefyllfa yn ei blaen.

Dywedodd y Tim Martin y cafwyd gwrthwynebiadau i rai o dafarnau JD Wetherspoon pan roeddent yn llai adnabyddus fel cwmni, ond na fu unrhyw broblemau yn y blynyddoedd diwethaf.

Dywedodd y Prif Swyddog ei bod hi a Michael Lindsay (cyfreithiwr y Cyngor) wedi cyfarfod â chynrychiolydd JD Wetherspoon i drafod sut ellid symud y sefyllfa yn ei blaen ac y trafodwyd nifer o ddatrysiadau posib. Ail-adroddodd hefyd benderfyniad y Cyngor i wrthod caniatâd i ddefnyddio Arfbais Tref Y Barri a'r cais i symud y carped. Dywedodd mai pwrpas y cyfarfod Arbennig o'r Cyngor Llawn oedd trafod ateb posib i'r anghydfod.

Dywedodd Tim Martin ei fod wedi camddeall pwrpas y cyfarfod gan nad oedd yn gwybod fod bwriad trafod datrysiad posib ac nad oedd wedi paratoi unrhyw ddewisiadau i'w cyflwyno i'r Cyngor.

Dywedodd nad oedd yn teimlo fod angen cael dadl ynghylch darn bach o garped. Dywedodd hefyd ei fod yn teimlo mai canfyddiad y cyhoedd oedd bod y Cyngor yn ymddwyn yn eithafol trwy ofyn am symud carped oedd wedi cael ei gynllunio'n arbennig. Ychwanegodd y byddai'n hapus gosod carped arall yn lle'r un presennol unwaith y deuai hwnnw i ddiwedd ei oes.

Dywedodd y cafodd JD Wetherspoon eu beirniadu'n hallt gan gynghorydd yn y wasg. Ychwanegodd y byddai'n rhaid iddo feddwl sut y gellid cael datrysiad a dywedodd ei bod yn teimlo y byddai'n wastraff amser ac arian dilyn llwybr camau cyfreithiol.

Dywedodd yr Arweinydd fod y Cyngor yn awyddus i ddatrys y mater a gofynnodd pa fath o gyfnod amser fyddai'n realistig i Tim Martin gyflwyno dewisiadau ar ffordd bosib ymlaen. Awgrymodd Tim Martin amserlen o dair wythnos ar gyfer llunio ymateb.

Holodd y Prif Swyddog a oedd Tim Martin wedi clywed y dewisiadau yr oedd cyfreithiwr JD Wetherspoon wedi'u trafod gyda hi a Michael Lindsay yn ystod eu cyfarfod ac a oedd ganddo unrhyw ymateb iddynt? Ymatebodd Tim Martin trwy ddweud nad oedd wedi clywed y dewisiadau hyn ac nad oedd wedi'u trafod gyda'i dîm cyfreithiol; yn hytrach, yr hyn a ddywedwyd wrtho oedd bod y Cyngor eisiau siarad ag ef, a dyna pam y daeth i'r cyfarfod.

Dywedodd y Maer y cynhelir cyfarfod nesaf y Cyngor Llawn mewn tair wythnos ar nos Lun 10 Chwefror 2020 a holodd a fyddai Tim Martin yn gallu cyflwyno dewisiadau i'w trafod yn y cyfarfod hwnnw. Ymatebodd Tim Martin trwy ddweud y byddai'n ceisio gwneud hynny ond y byddai'n rhoi gwybod i'r Prif Swyddog pe bai'n methu cadw at y dyddiad hwnnw.

Dywedodd y Cynghorydd S Hodges ei bod yn anffodus nad oedd y trafodaethau wedi symud ymhellach ymlaen.

Gadawodd Tim Martin y cyfarfod.

Dywedodd y Cynghorydd S Hodges nad oedd modd cynnal unrhyw drafodaeth gan na chyflwynwyd unrhyw ddewisiadau. Cynigiodd y dylid cynnwys yr Arweinyddion Grwpiau mewn unrhyw drafodaethau o hyn ymlaen ac y dylai'r penderfyniad terfynol gael ei wneud mewn cyfarfod o'r Cyngor Llawn.

Cytunodd y Cynghorydd Brooks gydag awgrym y Cynghorydd S Hodges, ond ychwanegodd ei bod yn siomedig gyda chanlyniad y cyfarfod.

Dywedodd Michael Lindsay efallai y byddai'n ddefnyddiol ysgrifennu at JD Wetherspoon i ddatgan yn glir fod Cyngor Tref Y Barri yn dal i ystyried fod cael gwared â'r carped yn ddewis, a bod nifer o ddewisiadau ar gael er mwyn dilyn y llwybr hwnnw. Dywedodd nad oedd yn teimlo y byddai'n llesol i'r naill barti na'r llall i gael eu dal mewn anghydfod cyfreithiol, ac mai'r dewis gorau fyddai dod o hyd i ddatrysiad oedd yn dderbyniol i'r naill ochr a'r llall, ond y dylid er hynny esbonio'r sefyllfa gyfreithiol yn glir.

Dywedodd y Cynghorydd Lloyd-Selby ei bod yn teimlo ei bod yn bwysig ein bod yn ofalus o ran canfyddiad y cyhoedd. Dywedodd ei bod yn teimlo hefyd y byddai'n ddefnyddiol ysgrifennu'n uniongyrchol at Tim Martin i'w atgoffa o benderfyniad y Cyngor ac i bwysleisio ein bod yn awyddus i symud ymlaen mewn ffordd adeiladol gyda'r mater hwn.

Dywedodd y Prif Swyddog fod naws y cyfarfod yn wahanol iawn i'r un a gafwyd gyda chyfreithiwr JD Wetherspoon, a'i bod yn teimlo braidd yn ddryslyd am y sefyllfa.

Dywedodd y Cynghorydd Bailey ei fod yn teimlo y bu naws y cyfarfod yn weddol gadarnhaol. Ychwanegodd y dylid diystyru cymryd camau

cyfreithiol oherwydd y gost. Ychwanegodd ei fod yn teimlo y dylid cymryd camau i sicrhau bod gennym nod masnach/hawlfraint ar yr Arfbais i'r dyfodol er mwyn sicrhau na allai sefyllfa debyg ddigwydd eto yn y dyfodol.

Dywedodd, er ei fod yn cytuno gydag egwyddor wreiddiol gwrthod caniatâd i ddefnyddio'r Arfbais, ei fod yn gobeithio oherwydd yr adnoddau fyddai eu hangen i fynd â'r mater ymhellach y byddai Tim Martin yn ymateb a chynnig rhai dewisiadau posib. Dywedodd ei fod yn teimlo hefyd y byddai'r cyhoedd yn diolch i'r Cyngor am gyrraedd cytundeb gyda JD Wetherspoon heb fynd trwy anghydfod cyfreithiol.

Dywedodd y Cynghorydd Hooper fod y Cyngor wedi cytuno'n unfrydol fod anghydnawsedd rhwng gwerthoedd cyflogaeth JD Wetherspoon a Chyngor Tref Y Barri ac roedd yn teimlo y dylid cadw at y penderfyniad hwnnw. Dywedodd, er ei fod yn teimlo fod y ffaith y daeth Tim Martin i'r cyfarfod yn rhywbeth i'w groesawu, y dylai Aelodau gofio ei fod yn gweithio er budd ariannol i'r cwmni ac nid er lles y gymuned leol. Ychwanegodd na fyddai Tim Martin yn caniatáu i unrhyw gorff neu sefydliad arall ddefnyddio brandio neu logo JD Wetherspoon, ac y dylid edrych ymhellach ar ddewisiadau i orfodi JD Wetherspoon i gael gwared â'r carped.

Adleisiodd y Cynghorydd Richardson bryderon ynghylch y ffaith na chafwyd datrysiad. Dywedodd hefyd y cafwyd sylwadau cadarnhaol gan y cyhoedd ynghylch safiad y Cyngor ar y mater.

Dywedodd y Cynghorydd Bailey, er y codwyd gwerthoedd JD Wetherspoon fel mater o bwys, y gwnaed hynny yn rhan o'r drafodaeth a'i bod yn bosib fod cynghorwyr unigol wedi penderfynu y dylid gwrthod caniatâd i ddefnyddio'r Arfbais oherwydd materion eraill a godwyd. Dywedodd hefyd ei fod yn hapus i ddatgan ei fod wedi newid ei feddwl ar yr agwedd hon o'r drafodaeth Dywedodd hefyd, gan nad oedd gan Gyngor Tref Y Barri y nod masnach/hawlfraint ar yr Arfbais, ei fod yn gyfyngedig o ran y camau y gellid eu cymryd, yn enwedig felly yn y cyswllt hwn gan fod cymaint o wahaniaeth o ran yr arian oedd ar gael i'r ddau barti.

Roedd y Cynghorydd S Hodges yn teimlo y byddai'n ddefnyddiol pe bai'r Prif Swyddog yn llunio datganiad i'r wasg rhag ofn y byddai ei angen.

Dywedodd y Cynghorydd Johnson nad oedd yn teimlo fod y drafodaeth wedi symud ymlaen a bod Tim Martin wedi methu ymateb pan ofynnwyd iddo'n uniongyrchol sut yr oedd ef yn credu y gellid datrys y sefyllfa.

PENDERFYNWYD:

1. **Y dylai'r Cyngor aros tan 10 Chwefror 2020 am ymateb oddi wrth JD Wetherspoon yn amlinellu dewisiadau ar gyfer datrys yr anghydfod.**

2. **Os danfonir ymateb cyn y dyddiad hwnnw, y dylai'r Arweinyddion Grwpiau gyfarfod i drafod y dewisiadau.**

3. **Y dylid cyfarwyddo cyfreithiwr Cyngor Tref Y Barri i lunio llythyr i'w ddanfon at Tim Martin yn amlinellu'r camau y gellid eu cymryd i orfodi symud y carped.**

4. **Y dylai'r Prif Swyddog gysylltu gyda'r Arweinyddion Grwpiau, cyfreithiwr y Cyngor a chyfreithiwr JD Wetherspoon os cyflwynir atebion posib i ddatrys yr anghydfod.**

5. **Y dylai'r Prif Swyddog lunio datganiad i'r wasg pe bai ei angen.**

Daeth y cyfarfod i ben am 6.55 pm.

Llofnodwyd ……..

Dyddiedig ……..
(Maer y Dref)