

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC/104863/200412

Date First Issued:

1st May 2012

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

14th June 2012

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Retailer, Guildford, GU2 and Menzies Distribution, Maidstone. This complaint originally concerned short supply, but has subsequently escalated as a result of Menzies Distribution's failure to process the formal complaint in accordance with the terms of its own 'Our Service Pledge' and the complaint resolution process of 'The Press Distribution Charter'.

On 28/4/2012 Retailer was short supplied one parcel of sections for 'The Times' and over the period 26/4/2012 – 30/4/2012 short supplied 'The Racing Post Betting Shop Display'. Williams Brothers lodged a formal complaint under the terms of Menzies Distribution's 'Our Service Pledge'. The complaint was sent by recorded delivery to the Maidstone depot on 30/4/2012 and received at the branch on 1/5/2012. Menzies Distribution failed to respond or take any action in relation to the complaint. Retailer, subsequently lodged a Stage 3 complaint under 'The Press Distribution Charter'. Menzies Distribution failed to respond or submit a Statement of Case to the complaint within the prescribed time set under the terms of 'The Press Distribution Charter'.

Menzies Distribution accepts the sequence of events described above and has upheld the Retailer's complaint and agreed to award the restitution claimed of £90.

Having considered the evidence submitted to me, I find that the original complaints concerning short supply have been resolved and restitution paid. Furthermore, that Menzies Distribution has flagrantly ignored the terms of its own service pledge and 'The Press Distribution Charter' to which it is a signatory.

The opening paragraph of Menzies Distribution's 'Our Service Pledge' reads as follows:

"Menzies Distribution is committed to delivering the best possible service to our customers. We believe that any organization which aims to deliver great service must constantly seek to improve, setting higher standards for itself as time passes."

Unfortunately, in this case Menzies Distribution has delivered the worst possible service to its customer and it can only be hoped that failures such as this never happen again.

Menzies Distribution is a founder member of the Press Distribution Forum, the industry body responsible for the Press Distribution Charter. The Charter is essentially a promise of good service and sets out minimum standards that a retailer can expect from publishers and wholesalers. Within the Charter there is a dispute resolution process that follows a simple three stage process culminating in a referral to the industry Independent Arbitrator. Each stage of the process is subject to strict time restraints thereby enabling the retail complaint to be heard quickly. Menzies Distribution had 7 days to respond to the Retailer's Stage 3 complaint, but failed to do so in that time. It is very disappointing to experience such a situation.

I trust that Menzies Distribution will now take the appropriate steps to ensure that its Maidstone depot actions all retail complaints and adhere to the dispute resolution process within The Press Distribution Charter.

Signature of Arbitrator: Neil Robinson (email)

Date: 25th June 2012

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

25/6/2012

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

25.06.12